

LUCAS HEIGHT VIOLATION

Construction began in fall of 1994

According to testimony from Marge Bloomfield, President of the SPA, various members of the association notified the Planning Department of the possible violation between December 1994 and June 1995. During the County Commissioner hearing in March 1996, Commissioner Carmichael asked the Planning Department for copies of the letters; none were produced.

Lucas received his first notice of the potential violation in July 24, 1995 from the County Planning Department; at no time did the SPA notify him. At that time the house was completed.

Enclosed is John Orr's letter dated January 30, 1996.

Enclosed letter from Leo Graham dated January 16, 1996;

Enclosed letter from Marge Bloomfield, President of the SPA, addressed to Leo Graham dated January 24, 1998.

Enclosed letter from Lou Larson addressed to Marge Bloomfield, Pres. SPA dated 2-5-98

Enclosed letter from Marge Bloomfield address to Lou Larson dated 2-19-96

Copy of County Commissioners meeting minutes dated 3-13-96

Enclosed copy of article in Daily Astorian dated 3-20-96

Enclosed letter from Lou Larson to the Board of Commissioners dated 9-19-96

Enclosed letter from Norma Kever to the Board of Commissioners dated 9-29-96

Lou Larson filing with Circuit Court dated 11-12-96

Findings of Fact and Conclusions of Law; by County Attorney Blair Henningsgaard dated 4-29-97. PLEASE NOTE LANGUAGE IN 15 AND 16.

Enclosed letter from Darlene Wisdom to Lou Larson dated 6-11-97

Enclosed letter from Lou Larson to Darlene Wisdom dated 7-8-97

Enclosed letter to Kever, Groshong and Nicholson dated 8-13-97 from Darlene Wisdom

Enclosed letters from Keever, Groshong and Nichalson to Darlene Wisdom *Sept 1997*

Enclosed letters from Ms. Wisdom to Keever, Groshong and Nichalson notifying them
the County was dropping it 's challenge *11-17-97*

LARSON AND FISCHER

W. LOUIS LARSON

ATTORNEYS AT LAW
990 ASTOR STREET
ASTORIA, OREGON 97103
(503) 325-2301
FAX (503) 325-2307

D. RICHARD FISCHER

September 19, 1996

Board of County Commissioners
Post Office Box 179
Astoria, OR 97103

Mr. Britt Ferguson
County Administrator
Post Office Box 179
Astoria, OR 97103

Blair Henningsgaard
Clatsop County Counsel
Post Office Box 1030
Astoria, OR 97103

Re: Height Violations in Surf Pines

Dear Persons:

The County has filed suit against my clients, Mr. and Mrs. Jim Lucas, based upon the allegations of his home exceeding the CBR height limitation of 26 feet. We were convinced that this is not an uncommon mistake in Surf Pines and Strawberry Hill and are concerned that this action of singling out Mr. and Mrs. Lucas is not equitable or justifiable based upon the large number of other violations of the CBR zone in Surf Pines and Strawberry Hill that the County has allowed to go unchallenged in the past.

I had Mr. Karl Foeste of Coast Surveying determine the number of violations that exist in the CBR zone in Surf Pines and Strawberry Hill. The CBR zone became effective February 10, 1982. Since that date approximately 66 houses (including the Lucas house) were constructed in Surf Pines and Strawberry Hill. Of that number 20 houses exceed the applicable CBR zone height limitation.

The study found that the range of violation is from Mr. Lucas's alleged height of 6.6 feet down to as little as .7 feet on the Donald and Nancy Kreuger home. While Mr. Lucas's alleged height is the largest, it is the least obtrusive

September 19, 1996

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because his lot is at a lower elevation than the surrounding properties thus resulting in the total overall height of his house being less than what is permitted on the adjacent properties. On the other hand, other violations such as the Nicholson home at 4.7 feet, the Groshong home at 4.6 feet, the Anse home at 3.3 feet, the Keever home at 3.1 feet, the Monty hom at 2.4 feet, the Lyche home at 2.0 feet and various other homes which are built on the tops of knolls or dunes which causes their violations to have a far more adverse effect on the surrounding properties.

I include the letter from Mr. Karl Foeste with this information together with his data on each structure which he found in violation.

I bring this to your attention because this case is in a court of equity and due to the circumstances it appears entirely unequitable to single out Mr. and Mrs. Lucas for the sole party to prosecute in this matter. I would like to meet with a representative of the County to discuss alternative solutions to this problem. From my point of view there are at least two alternative approaches open to the County and Mr. and Mrs. Lucas under the circumstances:

1. The County may continue to prosecute only Mr. and Mrs. Lucas in which case I will file an amended answer raising the additional affirmative defense of discrimination in the exercise of the County's prosecutorial discretion. In light of the Court's ruling in numerous similar cases involving unintentional violations discovered after the home is constructed, I do not believe the Court will require destructive alteration to the Lucas house. Continuing this course of action seems a waste of both public and private resources. If the County chooses to do nothing further and prosecute solely Mr. and Mrs. Lucas, we will have no alternative but to seek mandamus action pursuant to ORS 215.185 against the County to require it to equally enforce the laws on all parties in violation and particularly on those who knowingly violated the law.

2. In the alternative the County can join all violating parties into this case or bring separate cases against each party. With all parties before the court a stipulated judgment could be entered as to all parties with unintentional violations which would absolve violations and maintain the status quo. At this juncture we encourage the County to continue the prosecution of all intentional violations and to put all parties on notice that henceforth this requirement will be strictly enforced whether intentional or unintentional. It would be helpful to have some legislatively created safeguards included to require a survey to set the bench mark prior to construction and surveys of the structure height submitted to the County Planning Department at various stages of development. I understand this is common practice in some of the cities in Clatsop County.

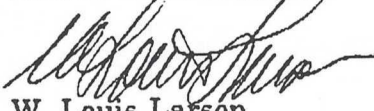
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I would welcome the opportunity to meet with a representative of the County at your earliest convenience to discuss this matter further. I believe it is in everyone's best interest to equitably and rationally negotiate a settlement to the total problem. This will certainly avoid a lot of stress and uncertainty in a lot of innocent people's lives.

Sincerely yours,

LARSON & FISCHER



W. Louis Larson

WLL/mw
enclosures

cc: Mr. and Mrs. Jim Lucas
Mr. and Mrs. Leroy Groshong
Mr. and Mrs. Gene Keever
Mr. and Mrs. Frank James
Ms. Theresa J. Walker
Mr. and Mrs. Scott Langley
Mr. and Mrs. George Nicholson
Mr. and Mrs. Calvin Wygandt
Mr. Michael J. Miller
Mr. and Mrs. Phillip Lyche
Mr. and Mrs. John McGowan
Mr. and Mrs. Edward Berkeley
Mrs. Betty Glarum
Mr. and Mrs. Alexander Eckert
Mr. and Mrs. Donald Kruger
Mr. and Mrs. Frank Martin
Mr. and Mrs. David Ause
Mr. Michael Monty
Mr. and Mrs. Robert Chopping
Mr. Steadman Shaw
Surf Pines Homeowners Association
c/o Margery Bloomfield, President

COAST SURVEYING

KARL F. FOESTE

P.O. BOX 807
361 S.W. MAIN CT.
WARRENTON, OR 97146
(503) 861-2569

September 19, 1996

Mr. Louis Larson
Attorney at Law
990 Astor Street
Astoria, Oregon 97103

Dear Mr. Larson:

Attached herewith are reports on 20 buildings (houses) located in the Surf Pines area that have been constructed since the enactment of Clatsop County Ordinance No. 80-14 on February 10, 1982. Each of these buildings exceed the height limitation as defined by said ordinance. A total of 66 houses (not including Bloxom's House) have been constructed in the Surf Pines area since the enactment of this ordinance.

Building outlines and heights above datum were determined from aerial photography dated June 14, 1996. Grade elevations at building corners were determined from aerial photography dated September 27, 1973, being the same photography used by CH2M Hill to prepare the 1973 topographic maps of Clatsop Plains and the same photography I used to determine the height of James Lucas' house. All building heights above datum and grades at building corners were determined by David C. Smith and Associates, Inc., Portland, Oregon.

If you have any questions please contact me at 861-2569.

Sincerely,



Karl F. Foeste, LS 849

cc: Richard T. Schroeder

LEO G. GRAHAM

503 - 359-5012 • PO BOX 560 FOREST GROVE, OR 97116

January 16, 1996

Mr. Curt Schneider, Director
Clatsop County Planning Department
PO Box 179
Astoria, OR 97103

RE: Surf Pines Association challenge of the Lucas house in Surf Pines Landing

Dear Mr. Schneider,

I would like to introduce myself as the principal behind the Surf Pines Landing subdivision. My family purchased this property along with other Surf Pines properties in 1949.

We received our subdivision approval from the county in 1993. In 1994 we sold one of our lots to Jim Lucas. The lot in question, #19, was by far the most restrictive lot in the development and was priced accordingly. Given the topography changes, 33' to 55', and the need to locate a drain field within the lot boundaries, Mr. Lucas determined that it would be best to site the house on the average median grade. He had the lot surveyed and developed a house plan. This plan was approved by the Surf Pines Landing architectural review committee and the Clatsop County Planning department.

Given the fact that the lot was surveyed by a reputable firm and your department approved the plan, I feel future action on this issue is unwarranted. I submit to you that the opponents of the Lucas house are the same people who opposed Mr. Lucas' 1994 claim to property left him, from his parents estate.

In closing, I would like you to know that we have sold 21 out of 23 lots without one complaint on the Lucas house. Six of those sales occurred after the Lucas house was built.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leo G. Graham", with a stylized flourish at the end.

Leo G. Graham

FEBRUARY 7, 1994

DEAR COUNTY COMMISSIONERS,

IT IS WITH A GREAT DEAL OF FRUSTRATION THAT I WRITE THIS LETTER TO YOUR BOARD.

THERE ARE 11 OTHER FAMILIES WHO SHARE MY FRUSTRATIONS. WE FEEL WE HAVE BEEN DUPED AND IN SOME WAYS HELD HOSTAGE BY THE COUNTY.

THE 12 LANDOWNERS & RESIDENTS ALL PURCHASED "OCEAN FRONT" PROPERTY, HAVING BEEN TOLD THAT WE COULD NOT OWN ALL THE WAY TO THE HIGH TIDE LINE, SOME WERE TOLD THAT THEY DID OWN TO THE HIGH TIDE LINE. THE REASON WE COULD NOT OWN THAT FAR WAS THAT THE COUNTY WAS SUPPOSED TO BE THE OWNER OF THE GRASSY DUNES AREA FOR CONSERVATION PURPOSES. THEY WERE THE "TRUSTEES" OF THOSE LANDS. THEY WERE PROTECTED !!

FIRST, WE WERE TOLD THAT OUR HEIGHT LIMITATION IN OUR DEED WAS OBSOLETE AND MUST BE LOWERED 2-3 FEET TO 18 FEET. WE HAD TO HAVE PLANS RE-DRAWN SO AS TO CONFORM AND NOT INTERFERE WITH THE NEIGHBORS' VIEWS; WHO LIVE HIGH ABOVE US.

NEXT WE WERE RESTRICTED, AS TO THE PLACEMENT ON THE LOT, BY AN IMPOSED "BUILDING LINE", SO AS TO NOT INFRINGE ON THE "VIEWS" OF OTHERS.

WE DID THESE THINGS RELUCTANTLY BUT GRACIOUSLY BECAUSE WE BELIEVED THEY HAD BEEN THOROUGHLY RESEARCHED AND THOUGHT OUT TO EVERYONES ADVANTAGE. ALL IT REALLY DID WAS TO KEEP THE INTEREST, OF A FEW, IN SIGHT FOR FUTURE DEVELOPMENT; IT WOULD SEEM!!

NOW SUDDENLY...THERE IS NO PROTECTION FOR OUR VIEWS.. TAX LOTS #1800 & 1801 HAVE BEEN PLATTED FROM OUR WESTERN MOST BOUNDRIES TO THE HIGH TIDE LINE !! SOME 23 ACRES OF LAND !!

MR. JAMES LUCAS CLAIMED THAT LAND JUST 3 SHORT MONTHS AFTER ADVERSE POSSESSION WAS TAKEN FROM THE LAW BOOKS !! ELEVEN MONTHS AGO ON MARCH 5, 1993, SOME 48 YEARS AFTER THE DEED WAS RECORDED!!

I SPOKE TO A MR. RICHARD WALKOWSKI OF THE STATE PARKS AND RECREATION DEPT, FT. STEVENS, AND HE SAID THAT THE AREA OF CONCERN IS DESIGNATED A "DEFLATION PLAINS AREA" AND IS STABLE ENOUGH TO BUILD ON !!! OH GREAT, THAT 'S JUST WHAT I WANTED TO HEAR !! HOWEVER, IT IS THE COUNTY PLANNING DEPT. WHO IS IN CHARGE OF THAT!! AND IT IS THEIR DECISION THAT COUNTS, SAYS HE.

WE FIND IT VERY DISCONCERTING WHEN THE TAX ASSESSOR'S OFFICE DECIDES THAT OUR PROPERTIES ARE " OCEAN FRONT" AND ARE VERY VALUABLE ...ASSESSMENTS RISE AND TAXES INCREASE. HOWEVER, THE LUCAS PROPERTY WHICH GOES TO THE HIGHTIDE LINE IS ONLY WORTH \$110.00 AND THAT AMOUNTS TO AN ASSESSMENT OF \$1.50 IN ACTUAL TAX DOLLARS! IT IS ABSOLUTELY LUDICROUS!!

NOW NONE OF US CAN SELL OUR PROPERTY AS OCEAN FRONT PROPERTY, BECAUSE NOW THERE ARE 2 TAX LOTS IN FRONT OF OURS WITH AN OWNER'S NAME ON THEM.

OUR TITLE INSURANCE DID NOT FIND THAT DEED OF 2/14/1945 IN BOOK 176 PAGE 692 THAT CLAIMS ALL ACCRETIONS. THE COUNTY COFFERS COULD HAVE BEEN A BIT FULLER BY NOW HAD WE HAD THAT PROPERTY ON THE TAX ROLLS LONG BEFORE NOW.

BELIEVE ME , WE ARE SEEKING LEGAL COUNSEL , BUT TO YOU .. OUR COUNTY COMMISSIONERS WE ARE ASKING THAT YOU LOOK INTO THIS MATTER FOR ALL OF US AND OFFER US REMEDY.

QUESTIONS.. 1. MUST MR. LUCAS PAY ANY BACK TAXES??

2. HOW CAN THE IMPOSED BUILDING RESTRICTIONS BE RECTIFIED FOR US??

3. WHAT RELIEF DO WE GET FOR BEING ASSESSED AT A HIGHER PERCENTAGE RATE THAN THOSE WHO LIVE ABOVE US ? THOSE WITH VIEWS ONLY !!

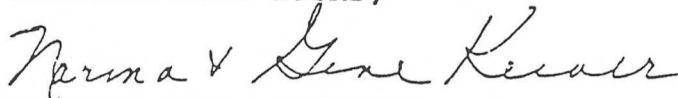
WE HAVE 'OCEAN VIEWS ONLY', ALSO, FROM OUR SECOND LEVEL ONLY.... BECAUSE THE COUNTY HAS NOT "MANAGED" THE DUNES SO THAT "OCEAN FRONT PROPERTIES " CAN HAVE A VIEW AND EASIER ACCESS TO THE BEACH, THEREBY MAKING THEIR PROPERTIES TRULY MORE VALUABLE.

THESE ARE JUST SOME OF THE FRUSTRATIONS WE ARE EXPERIENCING & I AM CERTAIN THERE ARE OTHERS. WE HAVE SENT CORRESPONDENCE TO THE PLANNING COMMISSIONERS ALSO.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER AS SOON AS POSSIBLE.

PLEASE FIND A MAP ENCLOSED FOR SPECIFICS.

RESPECTFULLY YOURS,



NORMA AND GENE KEEVER

2006 OCEAN DRIVE.

SURF PINES

WARRENTON, ORE. 97146

(503) 738-5069

COAST SURVEYING

KARL F. FOESTE

P.O. BOX 807
361 S.W. MAIN CT.
WARRENTON, OR 97146
(503) 861-2569



July 29, 1997

Darlene L. Wisdom
Code Compliance Specialist
Clatsop County
800 Exchange, Suite 100
Astoria, Oregon 97103

Dear Darlene:

You have requested from Mr. Lou Larson written information concerning reported height violations of the Groshong, Kever, and Nicholson houses in Surf Pines. Enclosed, for your examination, is a copy of my report on each of the subject houses (buildings) showing the building height above datum, the average grade above datum, building height above average grade, and the amount each building exceeds the allowable 18 foot height limit established by Clatsop County Ordinance No. 80-14, enacted February 10, 1982. As shown on the enclosed reports, the Groshong house exceeds the allowable height by 1.4 feet, the Kever house by 3.6 feet, and the Nicholson house by 4.7 feet.

Building outlines and heights above datum were determined from aerial photography dated June 14, 1996. Building heights above datum were field checked by means of trigonometric leveling. Grade elevations at building corners were determined from aerial photography dated September 27, 1973, being the same photography used by CH2M Hill to prepare the 1973 topographic maps of Clatsop Plains and the same photography used to determine the average grade of the James Lucas house in Surf Pines. Building heights above datum and grades at building corners were determined by David C. Smith and Associates, Inc., Portland, Oregon.

If you have any questions regarding this information please contact me at 861-2569.

Sincerely,

Karl F. Foeste, LS 849



CLATSOP COUNTY

"Striving To Be First In Quality Service"

DEPARTMENT OF PLANNING AND DEVELOPMENT
800 EXCHANGE, SUITE 100 • ASTORIA, OREGON 97103 • (503) 325-8611 • FAX 325-8606

June 11, 1997

W. Lou Larson
Attorney at Law
990 Astor Street
Astoria, OR 97103

LARSON AND FISCHER

JUN 12 1997

ATTORNEYS AT LAW

RE: Request for Height Surveys of the Keever, Groshong and Nicholson Houses

Dear Lou:

I have been asked to investigate complaints about the height of the Keever, Groshong and Nicholson houses in Surf Pines. I understand that Karl Foeste completed field surveys of these homes for you which found these homes in violation of the CBR height limit. Please provide me with copies of any written report or notes concerning this field check so that appropriate action might be taken.

Thank you for your cooperation in this matter. If you require further assistance please do not hesitate to contact me at (503)325-8611, ext. 1706. My office hours are Monday and Tuesday 8:30 a.m. - 5:00 p.m., and Wednesday, 8:30 a.m. - 12:00 p.m.

Sincerely,

Darlene L. Wisdom
Code Compliance Specialist

cc: Blair Henningsgaard, County Counsel
Curt Schneider, Planning Director
Diana Nelson, Sr. Planner
file

EXHIBIT B
PAGE 1 of 1



Surf Pines Association

2003 Manion Drive
Warrenton, OR 97146



December 9, 1995

To: Clatsop County Planning Commission
Department of Planning and Development

From: Surf Pines Association

Re: Lucas' house height, property 7 10 21 AC, Tax Lot 1900, 63 Surf Pines
Landing Drive

Pursuant to our previous complaints about the excessive height of Mr. James Lucas' house, we are awaiting the response to your letter of July 10, 1995 requiring the owner to verify that the house does not exceed the 26-foot limit. We understood that he had asked for additional time to reply and that he was given until the end of this calendar year.

Surf Pines has had an independent survey done which shows that the ridge height is 6.01 feet higher than the permitted 26 feet. A copy of the survey report is enclosed.

We expect the county to enforce its ordinances and have been dismayed that no action was taken on repeated complaints over many months. Our survey report should remove any excuse for further inaction. Please inform us as soon as you receive a response from Mr. Lucas what steps the Planning Department is taking in the matter.

Should the Planning Commission address the issue again, we wish to testify to our findings. Please keep us informed.

Sincerely,

Marge Bloomfield
Marge Bloomfield, President

cc: Bud Snyder

John F. Orr, P.C.
Attorney at Law



P.O. Box 452
1318 S. Holladay
Seaside, OR 97138
503-738-7507
Portland Line: 241-1250
Toll Free: 1-800-773-1526
Fax: 503-738-7428

January 30, 1996

Mr. Curtis Schneider
Planning Director, Clatsop County
PO Box 179
Astoria, Oregon 97103

Dear Mr. Schneider:

This letter is to request that enforcement action be taken against the owner of the property located at 63 Surf Pines Landing in Surf Pines, Warrenton, Oregon. As a board member of the Surf Pines Homeowners Association, a practicing land use attorney and a taxpaying citizen of this county, I feel that it is imperative that County Ordinance be enforced consistently and fairly.

Our homeowners' association has 280 members. We all have an interest in seeing the county's height ordinance enforced as enacted. We abide by the ordinance and expect others to do likewise. Let me state it in the clearest terms. Our Board has discussed the Lucas matter and agree that the law must be enforced.

Obviously in this situation there exists tension between the individual wanting freedom to build as he/she pleases, and the need to follow the letter and spirit of the law.

My review of the applicable definition indicates that "Building Height" is defined as "the vertical distance measured from the average grade to the highest point on the building or structure excluding chimneys, utility vents or dish antennas." If there was ambiguity regarding the definition of average height, logic dictates resolving that ambiguity prior to building. Prudence dictates familiarity with the grade as described by the county's ordinance prior to putting the top floor on such a structure to avoid later complications.

Mr. Larson asserts in his letter to County Planning of August 21, 1995, that a discrepancy existed between the "actual on-site elevation" and that indicated in the topog map submitted with the subdivision application. Significantly, Mr. Larson uses the present tense to advise Ms. Nelson of your staff, of the following:

Mr. Curtis Schneider
January 30, 1996
Page 2

"Therefore, they are having to do additional work in order to determine the actual grade as defined by the county's zoning ordinance and the height of the building."

I take this to mean that the survey work to determine the actual grade as required by the county ordinance was done only following the completion of the exterior and top floor of the Lucas home.

It is my understanding that in the present matter, not less than two surveys indicate that the Lucas house is more than six feet over the permitted building height. This does not appear to be a close question insofar as fairness or hardship is concerned.

Nor does it appear to be a close call on whether or not to enforce when one asks whether the builder proceeded with notice as to the height problem, but nevertheless proceeded to build above the allowed height as his own risk.

Certainly there is no basis for not enforcing laws due to the negligence of the property owner or his contractor. Such a policy would invite widespread violation of our County Ordinance. "Oops" would become the new cry of the malfeasant land owner.

Further, where the plans indicate a height of 24 feet and the actual height is revealed to be 32 feet or more, the offending party cannot be heard to complain about a situation of his own creation.

We both understand that development pressures are increasing in our county, even as the political support for land use planning is under siege. If this violation is allowed to stand, there will be no end to trouble here, as your position to complain of future violations will be stained by indifference, inaction and inconsistency. We urge you in the strongest terms to enforce the building height ordinance to the property located in the Surf Pines Community.

Sincerely,

/s/ John F. Orr

John F. Orr
Attorney at Law

JFO/pal

cc: Mr. Joe Bakkenson, Chairman Clatsop Board of Commissioners
Ms. Marge Bloomfield, President Surf Pines Homeowners, Assoc.
Mr. Blair Henningsgaard, County Counsel
Mr. Louis Larson

21 JUNE 1 21 LAW
P.O. BOX 1030
ASTORIA, OREGON 97103
(503) 325-0151

1
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3
4
5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6
7 FOR THE COUNTY OF CLATSOP

8 CLATSOP COUNTY,)
9 A Political Subdivision of the)
10 State of Oregon,) Case No. 96-2047
11 Plaintiff,)
12 v.)
13 JAMES and MARILYN LUCAS,) FINDINGS OF FACT
14 Husband and Wife,)
15 Defendants.)

16 This matter came before the court for trial on April 15 and 16, 1997; plaintiff
17 appeared through its attorney of record, Blair J. Henningsgaard; defendants appeared
18 in person and through their attorney of record, W. Louis Larson; the court having
19 heard the evidence and having reviewed the submissions and arguments of the
20 parties, makes the following findings of fact and conclusions of law:
— / —

21 Defendants James and Marilyn Lucas acquired title to real property in Clatsop
22 County, Oregon, known as Lot 19, Surf Pines Landing (the property) by deed recorded
23 June 23, 1994. The deed was subject to covenants and conditions that require
24 defendants to comply with all Clatsop County land use regulations in the
development of their property.

25 — 2 —
26 The property is located in the Coastal Beach Residential (CBR) Zone as defined
27 by the Clatsop County Land and Water Development and Use Ordinance (LWDUO).
28 LWDUO §3.248(8) includes a maximum height restriction of 26' for buildings in the
CBR Zone.

- 3 -

1 On October 6, 1994, plaintiff, Clatsop County, through its Department of
2 Planning and Development, issued a development permit for the construction of a
3 single family residence on the property. The development permit requires defendants
4 to abide by the 26' height limitation.

- 4 -

5 After issuance of the development permit, John Teneyck, a builder and agent
6 for defendants, constructed a vacation home on the property. This home was
7 completed on or about July 4, 1995.

- 5 -

8 The residence constructed by Mr. Teneyck exceeds the 26' limitation for the
9 CBR Zone by 6.6 feet and is in violation of defendants' development permit; is in
10 violation of the Clatsop County Land and Water Development and Use Ordinance;
11 and is in violation of the restrictions in defendants' deed. Because the structure is
12 built in violation of the county's zoning ordinance, it is a public nuisance.

- 6 -

13 Plaintiff has requested a mandatory injunction demanding that defendants
14 remove or alter the structure so that it does not violate LWDUO §3.248(8). Defendants
15 have asked this court to balance the equities in their favor and allow their house to
16 remain in violation of the ordinance. Oregon law, ORS 215.185, allows Clatsop
17 County to request a mandatory injunction requiring the removal of a structure that
18 violates its zoning ordinance. ORS 215.190 provides that no person shall be allowed
19 to build or maintain a structure that is in violation of the land use laws. It is clearly
20 the legislature's intent that violations of zoning ordinances not be allowed to
21 continue. Defendants' first affirmative defense, requesting this court to balance the
22 equities in defendants' favor is denied.

- 7 -

23 Defendants have also raised the defense of unclean hands. The court finds that
24 plaintiff did not cause defendants to build over the maximum height nor did plaintiff
25 intentionally allow defendants to construct the building illegally. Therefore,
26 defendants have not established this defense.
27
28

-8-

Defendants have also raised the defense of equitable estoppel. The court finds that no false representations were made by the plaintiff and therefore this defense has not been established. Furthermore, the case of *Clackamas County v. Emmert*, 14 Or App 403. 513 (2d 532 (1973)), provides that equitable estoppel is not available against plaintiff.

-9-

Finally, defendants have raised the defense of equal protection under Art. I, §20 of the Oregon Constitution. Defendants make a two pronged equal protection argument. First, defendants allege that they have been discriminated against in that the procedures used to investigate this violation differed from investigations concerning other persons alleged to have violated the height restrictions in the CBR Zone. Second, they claim that in the plaintiff's decision to prosecute this case was made in a haphazard fashion.

-10-

The allegations concerning Art I, §20 both evolve from an aerial survey report of houses in the Surf Pines area. Defendants presented this report to plaintiff five months after this lawsuit was filed. This report purports to show that 15 other houses in the Surf Pines area exceed the height limits of the CBR Zone. This report was admitted in evidence for the limited purpose of showing notice to the defendants.

-11-

The court finds that the Clatsop County Department of Planning and Development has developed a procedure for the enforcement of the height limits in the CBR Zone. This procedure includes first issuing a permit that announces the height limitation; second, receiving complaints; third, making field observations to attempt to verify the complaint; fourth, referring the matter to the planning commission for an enforcement decision; and fifth, referring the matter to the county commission to decide whether litigation is appropriate.

-12-

The third step, field observation, may include an "eye ball" inspection of the property, a review of file records and possibly use of an inclinometer to estimate the height of the building. If the enforcement officer is satisfied that no violation exists, the owner may or may not be informed of this decision, but the investigation is

1 carried no further. If the enforcement officer believes that a violation may exist, the
2 homeowner is requested to provide verification of the height. After this step is taken,
3 the enforcement officer may refer the matter to the planning commission or seek
4 voluntary compliance directly with the homeowner. After a violation is confirmed,
5 the matter is referred to the planning commission with a staff recommendation.
6 Finally, after planning commission review, if the matter has not been resolved, the
7 county commission will be requested to review the matter to make a decision
8 concerning litigation.

- 13 -

9 The court finds that plaintiff, through its planning department, followed this
10 procedure in defendants' case and in other similar cases. Therefore the court finds
11 that there is insufficient evidence to show that plaintiff has used a different procedure
12 to investigate other individuals who are similarly situated to the defendants and finds
13 no violation of the equal protection clause of Art. I, § 20 of the Oregon Constitution.

- 14 -

14 The court finds that the planning director's recommendation not to prosecute
15 other alleged violators was based on several reasonable factors including a honest
16 uncertainty as to the method used to measure those houses, an honest uncertainty as
17 to the method used to determine mean average grade, the fact that the other houses
18 were measured from the roof line, rather than the foundation line, as required by the
19 ordinance, the fact that planning department records called into question the
20 conclusions reached by the defendants' aerial survey report and an honest concern
21 about the source of the information coming from a hostile party currently involved
22 in litigation with plaintiff.

- 15 -

23 The court finds that the planning department has a rational basis to question
24 the conclusions provided by the defendants that 15 of the houses in the Surf Pines
25 violate the height limitations for the CBR Zone.
26
27
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who instructed Ms. Wisdom to drop
the Keenan, Nicholson + Groverland action?

-16-

During the trial it was revealed that Karl Foeste, a surveyor working on behalf of the defendants, made a field check to verify the height of three houses included in defendants' aerial survey. The court believes that based upon this field check that plaintiff has sufficient information to require the three homeowners to verify the height of their houses. However, because plaintiff has only recently been made aware of this information, this finding does not evidence a violation of defendants' rights under Art. I, §20 of the Oregon Constitution.

-17-

The court finds that at the time a decision was made to prosecute these defendants, the plaintiff had no notice of other violations and that when plaintiff became aware of other allegations, it undertook an appropriate investigation. This court finds no evidence of a haphazard decision making process in deciding to prosecute the defendants' case.

-18-

Based upon the above findings of fact, the court concludes that plaintiff is entitled to a mandatory injunction requiring defendants to comply with the height limitation of the CBR Zone.

-19-

Defendants should be given the option of choosing their own method of complying with the ordinance and shall advise the Clatsop County Department of Planning and Development within 30 days as to their selected means of complying with the CBR height limits. Defendants should be required to complete all necessary modifications to the house on or before December 15, 1997.

Dated this _____ day of May, 1997.

William A. Beckett
Circuit Court Judge

Submitted By:
Blair J. Henningsgaard, OSB #78240
Attorney for Plaintiff

FINDINGS OF FACT - 5

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Findings of Fact on:

W. Louis Larson
Attorney at Law
990 Astor
Astoria, OR 97103

by hand-delivering a true copy of said document to him on the 29th day of April, 1997.

Dated this 29th day of April, 1997.

/s/ BLAIR J. HENNINGSGAARD

Blair J. Henningsgaard, OSB #78240
Attorney for Plaintiff



Surf Pines Association

LARSON AND FISCHER

2003 Manion Drive
Warrenton, OR 97146
ATTORNEYS AT LAW

February 19, 1996

Mr. W. Louis Larson
Larson and Fischer
990 Astor Street
Astoria, OR 97103

Re: Lucas house height

Dear Mr. Larson,

The particulars of your letter of February 5 and our two subsequent telephone conversations were fully discussed at the Surf Pines Association board meeting on February 15. I informed the board of your assurances that Mr. Lucas was ignorant of any violation until the planning department wrote to him, and of your suggestions for a possible resolution.

The board decided by a unanimous vote of those present to take no action until the County Commission decides on an enforcement procedure. Nothing absolves the owner and builder of their responsibility--not the county's--to comply with the county ordinance.

To address some points in your letter, the Association would like to be involved in deliberations of the Surf Pines Landing Architectural Committee. Copies of applications can be sent to the president of Surf Pines Association at 2003 Manion Drive and we will review them and inform Mr. Graham of our reactions in a timely fashion. Regarding your mention of other homes in Surf Pines that exceed the allowable height, the two houses that you told me about in your second call were built in 1975 and 1972 respectively.

We are, of course, always willing to discuss any aspects of the situation you wish to raise.

Sincerely,

Marge Bloomfield, President

Copies: Clatsop County Planning Department
Clatsop County Board of Commissioners

LARSON AND FISCHER

W. LOUIS LARSON

ATTORNEYS AT LAW

990 ASTOR STREET

ASTORIA, OREGON 97103

(503) 325-2301

FAX (503) 325-2307

D. RICHARD FISCHER

February 5, 1996

Surf Pines Association
Attn: Marge Bloomfield, President
2003 Manion Drive
Warrenton, Oregon 97146

Re: Lucas Home and Payment

Dear Mrs. Bloomfield:

Mr. Leo Graham has asked me to forward you a check for \$9,000.00 payable to the Surf Pines Homeowners Association pursuant to your agreement with his development group. He also asked me to respond to your January 24, 1996 letter. It is very unfortunate that the numerous mistakes involving the construction of the Lucas home have turned in to such a controversy. However, it may assist in leading to a better understanding and spirit of cooperation between the Surf Pines Association and the developers of Surf Pines Landing.

Mr. Graham is very sympathetic to Mr. Lucas's plight because based on all the information we have been able to ascertain, this problem resulted from a series of mistakes involving the County and of which Mr. Lucas had absolutely no knowledge or participation. Mr. Graham believes that even if there is a technical violation of the height limitation it does not constitute a detriment to the livability of the community. This house was built on a lot that is lower than all of the surrounding lots and therefore, even if it were six feet higher, it will still be lower than the property on all four sides.

The developers of Surf Pines Landing are concerned about the apparent breakdown in communications with the Surf Pines Association. You expressed concern that the Surf Pines Landing Architectural Committee was acting without participation by the Surf Pines Association. However, Mr. Bob Knutsen was twice invited to serve on the Architectural Review Board. This was during the time that Mr. Lucas's plans were reviewed. From recently talking to Mr. Knutsen, it now appears he thought the invitation was personal rather than as President of the Surf Pines Association. Since Mr. Graham heard nothing further from the Association, the Architectural Committee continued its duties without the Association's participation.

Mrs. Marge Bloomfield
February 5, 1996
Page 2

Mrs. Bloomfield
said there were
no over violations
Mr. Lucas only
the one survey which
showed no violation

If you or a designated representative from the Association wishes to participate, you are most welcome. The Architectural Committee will get copies of all of the applications to you. Typically, the meetings are held at Mr. Graham's offices in Montinore Vineyards near Forest Grove, Oregon or at the Tonkin Torp Law Offices in Portland. Please rest assured that there was no intent to try to preclude participation by the Association.

Mr. Graham is not apologizing for the Lucas home. He is merely accepting a given fact that a mistake may have occurred of which the property owner was unaware and which was participated in by the County's failure to correctly calculate the height and failure to inform the property owner during the course of construction. I note from your letter that you indicated that the Association became aware of the potential of this violation "late in 1994 when the first forms were prepared". It would have been most helpful if you could have communicated this to Mr. Lucas so something could have been done about it. Now the house is completely built and after the fact, these issues are being brought to Mr. Lucas. This hardly seems fair or appropriate. I believe that there are other structures in the Surf Pines community that are also in violation and I believe you would agree with me that it would be inappropriate to now try to enforce the Ordinance violations against the other folks.

From the tenor of your letter, I believe that you may misunderstand the nature of Declaration of Restrictions for Surf Pines Landing. At no time was it intended that the Architectural Committee be responsible for enforcing the County zoning ordinances. Please note at Section 3.1.8 of the Declaration of Deed Restrictions that it provides as follows:

"The decisions of the Architectural Committee are not for purposes of serving as an enforcement agency for any governmental entity."

Neither the Declaration of Deed Restrictions nor the agreement with the Surf Pines purport to incorporate or enforce the County's zoning ordinance for purposes such as height restrictions. This is a complex and controversial determination that is most appropriately made by the County. The reference at Section 1.13.1 of the Declaration does not address the building height regulation by governmental requirement but merely limits the allowable projections above that height whatever it may be.

I can assure you that Mr. Graham is very concerned about creating and maintaining the same high quality neighborhood for Surf Pines Landing that exists throughout Surf Pines. However, in this one limited situation it seems extremely unfair to him to penalize this one property owner especially since the

Mrs. Marge Bloomfield
February 5, 1996
Page 3

alleged violation was not caused by him or participated by him. As you are aware, a claim has been filed against Clatsop County involving this height limitation. This was done because it appears that if a mistake or error was made it was that of the County in not properly determining that the plans as submitted would violate the building height if in fact that would be the case. Certainly, this is not ignoring the County ordinances.

If the Surf Pines Association wishes to participate on the Architectural Committee, please provide Mr. Graham with a name of the designated individual so that all necessary information can be sent to the individual in order to participate on the Architectural Committee. We will continue to welcome that person's participation on the Architectural Committee until the Surf Pines Association advises us of a change.

Sincerely yours,

LARSON & FISCHER

A handwritten signature in dark ink, appearing to read 'W. Louis Larson', is written over the typed name.

W. Louis Larson

WLL/mc
enclosure

cc: Mr. Bob Knutsen
Mr. Leo Graham

**BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 13, 1996**

1 TAPE 230A

2
3 The meeting was called to order by Vice-Chair Geoff Stone at 6:58 p.m. at the County
4 Courthouse. Also present were Commissioners Tom Carmichael, June Spence, Helen
5 Westbrook along with County Manager Bill Barrons. Commissioner Joe Bakkensen was
6 excused.
7

8 Barrons asked to amend the agenda to add consideration of the following: 1) A quitclaim
9 deed transferring the twenty acre parcel located at the old Alumax property to the State for
10 location of a State regional juvenile detention facility; 2) A letter from Judge Brownhill
11 requesting space to conduct a third court; 3) A letter from CEDC offering to help prepare
12 the County's input to the Governor's Transportation Initiative; 4) A contract with Oregon
13 State Police, Office of Emergency Management for February 1996 Flood disaster
14 assistance; and 5) A report from County Clerk Lori Davidson regarding extension of the
15 filing deadline for the May election for election of County Commissioner District #1. After
16 some discussion, it was moved by Stone and seconded by Spence to approve the Agenda
17 as amended. **MOTION was unanimously adopted.**
18

19 After some discussion, Westbrook made and Spence seconded a motion to approve the
20 minutes of the February 28, 1996 regular meeting as amended. **MOTION was**
21 **unanimously adopted.**
22

23 Stone opened the public hearing on the Ordinance Repealing Ordinance 76-1, Repeal of
24 Clatsop County Solid Waste Disposal Service District, second reading and possible
25 adoption and determined that there were no conflicts of interest. Barrons related that
26 Ordinance 76-1 was adopted in 1976 when the County was seeking to site a landfill and
27 wanted to assure that all solid waste would go there. He noted that the siting of a landfill
28 is no longer of interest and County Counsel recommends the ordinance be repealed.
29 There being no comments from the public, the public hearing was closed. It was moved
30 by Carmichael and seconded by Spence to approve the second reading and adoption of
31 the Ordinance Repealing Ordinance 76-1. **MOTION was unanimously adopted.**
32

33 Stone introduced the Road Special Use Permit Ordinance for first reading. Barrons related
34 that the ordinance was drafted by County Counsel at the request of the Board and has
35 been reviewed by the Sheriff and Public Works Director. Carmichael pointed out a
36 deletion error on page 20, section b and stated he would be interested in providing the
37 Sheriff more discretion to waive the requirement for insurance. Raichl said waiving the
38 insurance requirement might be appropriate when the event was mainly pedestrians.
39 County Counsel Heather Reynolds advised not to waive the insurance requirement without
40 a very good reason. There was lengthy discussion of Section 2.2 which states that no
41 permits shall be

1 issued for events conducted after sunset and before sunrise involving pedestrian
2 participants. Sheriff Raichl wasn't sure that section 2.2 would prevent event participants
3 from being on County roads in the dark, but he preferred it be retained in the ordinance.
4 Raichl thought the Hood to Coast event could be conducted under the ordinance
5 requirements, but he didn't think the walking event, Portland to Coast, could. It was moved
6 by Carmichael and seconded by Spence to approve the first reading of the Road Special
7 Use Permit Ordinance. There was some discussion regarding process. **MOTION was**
8 **unanimously passed.** The Board directed that Hood to Coast sponsors and staff be
9 notified of the second reading and hearing on March 27.

10
11 Stone opened the floor to business from the public.

12
13 Alva Colvin, Rt 1 Box 705, Astoria, complimented the Clerk's Office on service he received
14 in obtaining a passport and described problems he had with the Planning Department to
15 process a partition of his property into three parcels. He expressed dissatisfaction with the
16 fees he paid for the planning service and surveyor's review.

17
18 Barbara Stephens, 357 Elk Creek Terrace, Cannon Beach, spoke to the Board about what
19 assistance is still needed by families in the Jewell area who were impacted by the flood
20 in February. She has been volunteering to assist with coordination of collection and
21 distribution of donated items and urged the Board to request funding from FEMA to provide
22 a regular emergency coordinator position. Stephens described the need for the position
23 and also asked the Board to appoint a disaster planning task force to utilize the experience
24 and knowledge about what worked and what didn't from this disaster. She further
25 commented that the land use permit process is difficult to understand and asked that a
26 mailing be sent to residents of the Jewell area that would list the items needed to process
27 the permit and provide explanations. She also asked that the staff be encouraged to show
28 compassion for the applicants as they are under a great deal of stress. Stephens further
29 urged the Board to simplify and expedite the permit process.

30
31 Following discussion of a letter from Judge Brownhill requesting temporary court space in
32 order to conduct a third court one week each month and testimony on the same subject
33 from Brownhill and Court Clerk Phil McCollister, it was moved by Spence and seconded
34 by Westbrook to direct staff to contact Ron Hoxie, owner of the 800 Exchange Building,
35 to arrange to lease an additional room for the jury while using the County meeting room
36 in the building for the third court. **MOTION was unanimously passed.**

37
38 The Board reviewed a letter from James and Marilyn Lucas and report from County
39 Counsel Henningsgaard regarding a violation that occurred in the construction of their
40 home in Surf Pines which was built six feet over the height limitation. Counsel's memo
41 suggests the Board has three options for pursuing the violation with a recommendation
42 that the Board proceed directly to Circuit Court with a lawsuit. Following discussion, it was

1 moved by Westbrook and seconded by Spence to accept County Counsel's
2 recommendation to proceed with the matter directly to Circuit Court.
3

4 Marge Bloomfield, 2364 Manion Drive, President of the Surf Pines Homeowners
5 Association, related attempts made by neighbors beginning in December of 1994 to alert
6 Planning that the house appeared to be too high during construction and to check the
7 height and permit to determine if it was in compliance. She related that they went to the
8 Planning Commission with the same concerns. Carmichael asked for copies of her
9 correspondence with Planning. There was some discussion of the property owner's
10 responsibility and further testimony from Theodore Bloomfield of Surf Pines. He read a
11 letter sent to Planning in January of 1996 requesting enforcement of the violation from
12 Attorney John Orr. Barrons said the file would be provided to the Board for review. [Tape
13 231B]
14

15 Schneider confirmed Planning had received numerous visits and calls regarding the height
16 and related that Diana Nelson went out previously and he went out a couple of weeks ago
17 to look at the house. He noted that the house was built on a side slope which make it
18 difficult to determine the average grade from which the height is determined.
19

20 Norma Keever of Surf Pines commented that this lot is heavily vegetated and not subject
21 to heavy movement of grade. There was further discussion and clarification of the legal
22 process with County Counsel Reynolds. **MOTION was unanimously passed.**
23

24 Following discussion of the letter from Gene Miles, Seaside City Manager, regarding
25 annexation of County property east of Avenue U and Highway 101, Barrons was directed
26 to find out and report at the next Board meeting why the City wants to annex this property.
27

28 The Board agreed to take up further discussion of the proposed Fort Clatsop expansion
29 at its meeting of April 10 in response to a letter from Fort Superintendent Cindy Orlando
30 requesting it not be taken up at the March 27 meeting.
31

32 No action was taken on a letter from Hamlet Volunteer Fire Department in support of
33 Cannon Beach Fire Department's request for the County to transfer the site of its old fire
34 station to the Fire Department. Barrons related that a report from Bakkensen on the matter
35 would likely be ready for the next meeting.
36

37 Stone agreed to meet with representatives of Columbia County In response to their letter
38 regarding a request from James River Corporation for enterprise zone property tax
39 exemption for an expansion at the Wauna Pulp and Paper Mill. Bakkensen was selected
40 as the alternate representative.
41

42 It was moved by Spence and seconded by Westbrook to approve of the following consent

NONE
were
produced

1 calendar items:

- 2
- 3 a. Minutes
- 4 1) Public Safety Coordinating Council
- 5 2) Local Alcohol and Drug Planning Committee
- 6 b. Recommendation for appointment of Susan Wood to Commission on
- 7 Children & Families
- 8 c. Lease between North Coast Auto Service Inc. and Clatsop County 4-H &
- 9 Extension Service District
- 10 d. License Agreement between Clatsop County and Michael and Karen Banks
- 11 e. License Agreement between Clatsop County and Randall and Deborah
- 12 Stemper
- 13 f. Resolution and Order setting hearing date for a portion of County Road #160
- 14
- 15

16 The Chair requested liaison reports from the Commissioners.

17

18 Westbrook related that topics of discussion at the last Mental Health Center meeting were

19 the location of a site which will meet ADA requirements and the status of disaster

20 counseling for victims of the flood in Jewell.

21

22 Spence attended the Fair Board meeting where it was reported that over 3,000 attended

23 the Circus recently held there and upcoming events are a horse show, a rodeo and a

24 Ducks Unlimited banquet.

25

26 Carmichael suggested that building permit fees be waived for county residents who need

27 permits in order to repair or replace their homes due to flood damage. He noted similar

28 waivers are being worked on at the State level. It was moved by Carmichael and

29 seconded by Westbrook to waive any Planning fees for homeowners who need to repair

30 or replace homes due to damage occurring during the February 1996 flooding until

31 December of 1996. **MOTION was unanimously adopted.**

32

33 Carmichael suggested Jim Capellan's concern about garbage being dumped on Perkins

34 Road be addressed at the same meeting where the Fort Clatsop expansion matter will be

35 heard.

36

37 There was discussion regarding the quitclaim deed for the twenty acre parcel of County

38 land in the Warrenton area to the State for location of the regional juvenile detention

39 facility, primarily concerning the five conditions of transfer the Board had requested and

40 development costs.

41

42 Stone further reported that the tour of the Jewell area with various State agency

Sept. 4, 1997

Darlene L. Wisdom
Code Compliance Specialist
Clatsop County
800 Exchange, Suite 100
Astoria, Oregon 97103



Dear Darlene ,

If you have received a complaint regarding our house height we will need to be informed who the complainant is. This will be the second time that we have been presented with this issue. It is our most sincere desire to put this issue to rest to everyone's satisfaction.

When County Counsel Blair Henningsgaard requested this information, last year, we were more than happy to comply and we shall attempt once again to satisfy this request.

At the time our home was built by Bob Harn, Curt Schneider, the Planning Director, gave Bob specific instructions on how to establish the appropriate house height, for a home in the active dune area. The method to establish the building height was, at the time, not well defined... As a matter of fact Curt Schneider actually came to our job site to help Bob shoot the corners for obtaining the mean grade. We feel certain that our home met the required specifications. We did not authorize or condone a violation of our home building height. By the same token we do not believe there is a violation. The house was inspected on several occasions by an inspector and was approved by Clatsop County and we were issued a "move-in" permit by the inspector.

The integrity of our builder is at stake. He is a fine person and a fine builder. We are certain that this county would not continue issuing him permits and he would not be in business very long if he was out of compliance with all of the houses he has built just in Surf Pines, alone. We feel that the county should uphold their standards and builders like Bob. When a home has been approved by the county, a "move in" permit issued, then eight years later charges are made against the owner; that owner too should be upheld by the *authority* which gave its approval. Since no fault or question ever arose before Mr. Lucas's house height problems surfaced, we do not feel obligated to answer this complaint; however, as a matter of courtesy to you we will attempt to give you some pertinent information.

The Keevers, Groshongs and 11 other home owners were in litigation with Mr. Lucas in 1994 over our accretions. We quite literally re-purchased them from him. He was wrong and we believe that the law would have upheld our rights but it was less expensive to pay him off; he is wrong once again and this time he should be made to conform to the laws and standards of the county.

1.

EXHIBIT H
PAGE 1 of 6

As for the drawing presented by Mr. Foeste; it is not a footprint of our building corners as he states, but an aerial view of our house which includes a porch rooftop. The very fact that there are three corners shown on the drawing, which do not exist is further evidence of a poor effort to obtain information that is 8 years old, (in an attempt to thwart the county's efforts to have Mr. Lucas comply with county standards.) I believe that the house height ordinance indicates that the height is determined from the foundation line upward to the roof line, not from the roof down. There is no topography included for 1989 and therefore not conclusive as to heights or to the mean grade of our lot prior to construction of our home .

What was measured in 1989 was actual and factual and it was from those measurements that the mean grade was determined. The builder of Mr. Lucas' house stated that he did not do a survey or shoot the corners to establish the mean grade. He did not follow the prescribed method of determining the mean grade.

By 1989 the topography of our building site had changed a great deal from the photography map dated 1973 ; as this was active dune area. (See Goal 18 Exception). Since our home was built in 1989 the accreted sand had raised the dune level. We actually excavated 48 inches from the mean grade to lower our home. Mr. Lucas's home was built in a stable dune area, one not subjected to the kind of buildup as our own had been.

We would like an explanation as to just why three homes have been singled out of the 20¹ in Surf Pines whose homes were said to have been too high.

We feel that we are being unjustly accused. Please, let us get things in order and let's all follow the proper format, rules and regulations . It will simplify everyones life; not to mention their workload.

We will not attempt to prove ourselves innocent of an alleged violation nor should you require it of us. This is not the way our system works. All of the data is at the county where you have access to it. The plan, the whole works. This is an inappropriate and frivolous complaint .

Our builder has given the county the information it requested of him and we can do no more. Please feel free to come and check for yourself and determine if in fact we are out of compliance; by 1989 standards. As for hiring a surveyor, that is not a way in which we choose to spend our funds. A survey at this time could not possibly develop any proof one way or the other as to where the mean building line was in 1989 when our home construction was begun. If the county chooses to continue to listen to these kinds of complaints even after a trial and testimony by our builder , we see no way to prevent this waste of your time.

¹ See letter from Coast Surveying dated 9/19/1996 also note differences (one marked out)

For your convenience; please find enclosed a copy of our letter under date of 9-20-96.

Sincerely,

Gene Keever

Norma Keever

Gene & Norma Keever

cc: Helen Westbrook, Chairman, B C C
Blair Henningsgaard, County Counsel
Britt Ferguson, County Mgr.
Robert Harn , Builder
Greg Hathaway, Atty.

OCT 01 1996

September 29, 1996

Board of County Commissioners
Clatsop County
Astoria, Oregon 97103

Britt Ferguson
Clatsop County Manager
Astoria, Oregon 97103

Blair Henningsgaard
Clatsop County Counsel
Astoria, Oregon 97103

COM 1	
COM 2	
COM 3	
COM4	<i>JK</i>
COM5	

Dear Madam & Messieurs,

I am Norma Keever of 2006 Ocean Drive in Surf Pines. I am grateful for the opportunity to be able to help shed some light on this fiasco.

I can appreciate Mr. Larson's diligence on behalf of his client, Mr. & Mrs. Jim Lucas. However, he may not include us in his attempt to justify his clients' oversight. Regardless of his reasoning, we are not responsible for other than our own actions.

We do have many of the items about which you inquired and will be more than happy to share them with the County.

Our builder, Mr Bob Harn is willing to be co-operative also; as we all performed to the letter of the law, to the best of our knowledge. The measurements for the corners that determine the median were "shot" prior to any ground disturbance and were discussed with and approved by Curt Schneider. At that time they were recorded at the courthouse as approved. We were inspected on several occasions and were told that our building height and building line were in compliance. There were those in Surf Pines who were afraid that we were going to over build. They were dogged in their determination and gave our builder reason to have our home checked on more than one occasion. It was truly annoying and a nuisance, *then*; now we are very grateful for their diligence to their cause; which was to maintain an 18 ft. building ht. on all oceanfront lots in a Beaches and Dunes Overlay !! We have Mr. Peter Whittlesey to thank for this.

Mr. Harn has built several of the homes in question in Surf Pines. It is our considered opinion that had he not been in compliance this many times, he would no longer be in business.

We are quite dismayed over the fact that their *unsubstantiated claims* can be bandied about in such a fashion, without having to be *responsible for the inconvenience* to all of those

20 persons whose homes are so challenged. It seems preposterous that they can create such chaos for so many, some 8 years after the fact. That we must come up with evidence to support our position is ludicrous though very possible to accomplish. We do resent the implication that we may have acted in any *way, shape or form* like the Lucas'. We feel as though the County has accepted as FACT their allegations and that we must prove ourselves innocent of wrong-doing. This is very wrong, it should be the other way around. Why can't Mr. Lucas prove that his house height is correct? It should be a simple matter, it either is or it isn't. Times change & rules change and so must we all, if we are to continue to have order.

We are of the opinion that their sketch and their figures as presented to you are flawed.

We also believe that our evidence will far outweigh these allegations and assumptions and that you will concur with that evidence, as well.

1. Blue-prints of the house plan.
2. Recorded surveyed corners, prior to disturbance of the dune.
3. Panoramic picture of the building sight.
4. We were given final approval & compliance with all codes and ordinances with a scheduled move-in date of September.
5. A topographic map that was 16 years older than our home. The elevations had changed considerably. (Funny, how sand does that.)
6. The alleged sketch of our home is inaccurate, as a *footprint*. It appears to be a *roofline*.
7. There has not been a *recent* survey of our property, by Coast or any other surveyor.

We were totally aware at the time we purchased this property that we would have only a small ocean view from the main level, but a somewhat larger ocean view from the upper floor. We chose this location over the upper road for *the sound, the privacy, the convenience* and for the view of Tillamook Head!

Sincerely,

Norma Keever

Norma Keever

cc: Greg Hathaway, Atty.
Charles Johnson, Pres.
Surf Pines Association
Robert Harn, owner
Harn Construction

COPY

Clatsop County



November 17, 1997

Gene and Norma Keever
2006 Ocean Dr
Warrenton, OR 97146

LARSON AND FISCHER

ATTORNEYS AT LAW

RE: Staff Findings Concerning Complaint on Possible Building Height
Violation 7 10 28DB - 801

800 Exchange Street,
Suite 100
Astoria, Oregon 97103

Dear Gene and Norma Keever:

Staff has researched information available in the Planning Department and the information that you provided in response to our request. It is staff's recommendation that no compliance action be taken for the reasons stated in the attached findings.

Thank you for your cooperation in this matter. If you require further assistance please do not hesitate to contact me at (503)325-8611. My office hours are Monday and Tuesday 8:30 a.m. - 5:00 p.m., and Wednesday, 8:30 a.m. - 12:00 p.m.

Sincerely,

Department of
Planning and Development

Phone (503) 325-8611
Fax (503) 338-3666

Darlene L. Wisdom

Darlene L. Wisdom
Code Compliance Specialist

cc: Lou Larson
County Counsel
County Manager
file

EXHIBIT K
PAGE 1 of 9

FINDINGS:

Gene and Norma Keever, 2006 Ocean Drive - 7 10 28DB - 801:

The Keever's responded to the County's request for information concerning building height with a letter dated September 4, 1997. No additional information was provided as they stated that the building height had been checked during construction by the builder and also by having the Planning Director visit the site during construction to shoot the corners for obtaining the mean grade. Records kept by the Planning Department include a copy of the site plan showing elevation heights in inches on four corners. These figures were used to determine the average elevation at the site which computed to 58 inches. Staff has converted these figures into feet to compare with the figures that were provided by Carl Foeste on the aerial survey.

The following is a comparison of those figures:

Aerial Survey

Ave. Grade Above Datum: 35.5'
max. height: $35.5' + 18' = 53.5'$
Build. height above ave.gr. = 21.6'

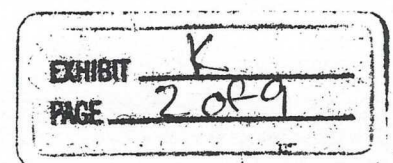
Nicholson's Site Plan

Average Elevation: 4.83'
max. height above elev.: $4.83' + 18' = 22.83''$

It is impossible to compare the figures of the two methods as each used a different starting point. The aerial survey used a predetermined point in Surf Pines and the builder used a point that was site specific. It has also been determined that there could be a margin of error of at least one foot in each of the survey methods. It is staff's understanding that Planning Department staff were on site during construction and accepted the figures provided by the builder for elevations and building height. Because of space constraints, the Planning Department only keeps records for a few years beyond the completion of a project. It appears that it will be impossible to reconstruct the exact undisturbed ground elevation information with the information available.

CONCLUSION:

Staff concludes that there does not appear to be a building height violation for the house constructed by the Nicholson's, 2006 Ocean Drive (tax map# 7 10 28DB - 801). Because the documentation and information provided to staff do not indicate a land use violation of Clatsop County's Land and Water Development and Use Ordinance, 80-14, staff recommends that no compliance action be taken.



Received
11-2-97 11:30am
LR
FAX (503) 338-3666

Clatsop County
Department of Planning & Development
Darlene Wisdom- Code Compliance Specialist

November 2, 1997

Hello Darlene,

Some time back, August 13, 1997, I received a letter from you in reference to a possible Building Height violation on my home at 2006 Ocean Drive, Warrenton.

We responded, August 31, 1997.

As of this date, we have not been informed of any decisions or actions that Clatsop County plans to pursue.

Would you please take a couple on minutes to bring us up to speed on this issue.

Thanks

Gene Keever
Gene and Norma Keever
2006 Ocean Drive
Warrenton, Oregon 97146

EXHIBIT

PAGE

K
3 of 9

COAST SURVEYING

KARL F. FOESTE

P.O. BOX 807
361 S.W. MAIN CT.
WARRENTON, OR 97146
(503) 861-2569



July 29, 1997

Darlene L. Wisdom
Code Compliance Specialist
Clatsop County
800 Exchange, Suite 100
Astoria, Oregon 97103

Dear Darlene:

You have requested from Mr. Lou Larson written information concerning reported height violations of the Groshong, Keever, and Nicholson houses in Surf Pines. Enclosed, for your examination, is a copy of my report on each of the subject houses (buildings) showing the building height above datum, the average grade above datum, building height above average grade, and the amount each building exceeds the allowable 18 foot height limit established by Clatsop County Ordinance No. 80-14, enacted February 10, 1982. As shown on the enclosed reports, the Groshong house exceeds the allowable height by 1.4 feet, the Keever house by 3.6 feet, and the Nicholson house by 4.7 feet.

Building outlines and heights above datum were determined from aerial photography dated June 14, 1996. Building heights above datum were field checked by means of trigonometric leveling. Grade elevations at building corners were determined from aerial photography dated September 27, 1973, being the same photography used by CH2M Hill to prepare the 1973 topographic maps of Clatsop Plains and the same photography used to determine the average grade of the James Lucas house in Surf Pines. Building heights above datum and grades at building corners were determined by David C. Smith and Associates, Inc., Portland, Oregon.

If you have any questions regarding this information please contact me at 861-2569.

Sincerely,

Karl F. Foeste, LS 849

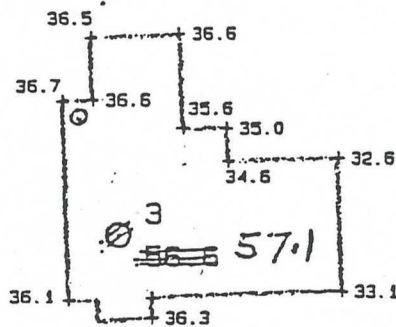
EXHIBIT	K
PAGE	4 of 9



4-12 COURT #2

BUILDING NUMBER: 3

FOESTE'S # = 2



BUILDING ID: Gene + Norma K'cover 2006 Ocean Dr.

Tax Lot 7 10 28 NB 801

BUILDING HEIGHT ABOVE DATUM: ~~56.6~~ 57.1

AVERAGE GRADE ABOVE DATUM: 35.5'

BUILDING HEIGHT ABOVE AVERAGE GRADE: ~~21.1~~ 21.6'

NOTES: House exceeds allowable height of 18' by ~~3.1~~ 3.6'

EXHIBIT K
PAGE 5 of 9

5/31/89

VERTICAL DATUM:
ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
DATE ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973

APPLICANT IS TO COMPLETE FORM. Only completed applications will be reviewed. Additional information may be required.

APPLICANT (Please print or type)
 Owner: GENE ADORNA STEVENS
 Address: 738-0847 Phone: 738-0847

LEGAL DESCRIPTION

T. 7 N. R. 10 Section 28DB Tax lot portion of 800
 Zoning: CAR overlay Zone(s) B/D 0
 Parcel Size: _____

PROPOSED USE(S) OR ACTIVITY(IES):

Describe: SFD

PARKING REQUIREMENTS

2-Number of parking spaces (9' x 19')
 Attach plot plan (drawn to scale) indicating appropriate parking
 etc. spaces (other than single family residence)
 Not applicable

Zoning District Requirements

Setbacks
 Front 20'
 Side 10'

Rear 20'
 Clear Vision 20 ft.
 Wetlands: 50 ft.
 Riparian: 50 ft.
 Vegetation: 100 ft.

Aquatic Vegetation 35 ft.
 Resource 50 ft.

Sewage Disposal
 Subsurface system
 Public sewer
 Private sewer
 None required

Structure Height
 35 ft. maximum
 Oceanfront 18' in
 RSA-SFR, CBR, CR
 26 ft. maximum
 Other 18'
 No requirement

Other Considerations

PLOT PLAN (Please sketch below or attach drawing. Show location of structure(s), property boundaries, water courses, wetlands, easements, septic system, roads, etc. Note distances of structures from property lines, etc.).

SEE ATTACHED

Water Requirements (must include approval from authorizing agent):
 none required
 well _____ spring _____ river, stream, pond or hand dug well _____

X public water source: SOLE PINES
 potability test from certified water lab (attach certification) quantity _____

Access to property? (Yes/No) Yes
 Is a County/State permit req'd? Yes (No) No

Lot coverage
 X No requirement Less than 40%
 Firebreak

X No requirement Construct and maintain a firebreak of at least _____ ft. radius around the proposed structure

Other Considerations
 Floodplain A0 V Floodway Permit Date _____
 Archeological _____ Historical _____ Beaches _____ Dunes _____
 Coastal Shorelands _____ Design Review _____ Agriculture _____
 Forest _____ Airport restrictions _____ Engineering Report _____
 Geologic Hazards _____ Address: _____ yes _____ no
 (attach certification) (if yes, see below)

CLATSOP COUNTY COMPLIANCE

The Clatsop County Planning Department finds the proposed use(s)/action(s) complies with the County Land and Water Development and Use Ordinance and the Clatsop County Comprehensive Plan. The evaluation of the land parcels outlined above is based on the information presented at this time and as shown on the Zoning/Comprehensive Map.

X Approved _____ Denied _____
 applicant or property owner must do these items noted below or attached. This permit is not complete or final until the conditions are met.

Clatsop County Authorization: Shawn Hansen Date: 5/31/89

APPLICANT'S STATEMENT:

Pertaining to the subject property described, I hereby consent that I am the legal owner of record, an agent having consent of the legal owner of record, and am authorized to take the necessary building permit, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon State Parks and Recreation and Clatsop County complete the conditions of approval as required below before I do any of the proposed use(s) or activity(ies) of the statements within this application are true and correct to the best of my knowledge and belief. I understand that any permit authorized by the Planning Department may be revoked if it is determined that the permit authorization was based upon false statements or misrepresentations.

As a condition for issuing this Development Permit/Action the undersigned hereby agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liability to the undersigned, his/her property, or any other person or property which might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever which might result from the undersigned's failure to build, improve or maintain roads which serve as access to the subject property.

X Applicant's Signature: Shawn Hansen Date: 5-31-89

WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION

I have been advised that the Land and Water Development Permit/Action authorized by the Clatsop County Planning Director on 5/31/89 may be appealed through (date) 6-6-89.

I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period shall be null and void. I further understand and consent to the fact that any action taken by me in reliance upon authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.

X Applicant's Signature: Shawn Hansen Date: 5-31-89

RESOURCE CERTIFICATION:

I hereby certify that the proposed single family residence is necessary and accessory to a _____ farm use _____ forest use.

Applicant's Signature: _____ Date: _____

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST PRACTICE AND PRODUCTION:

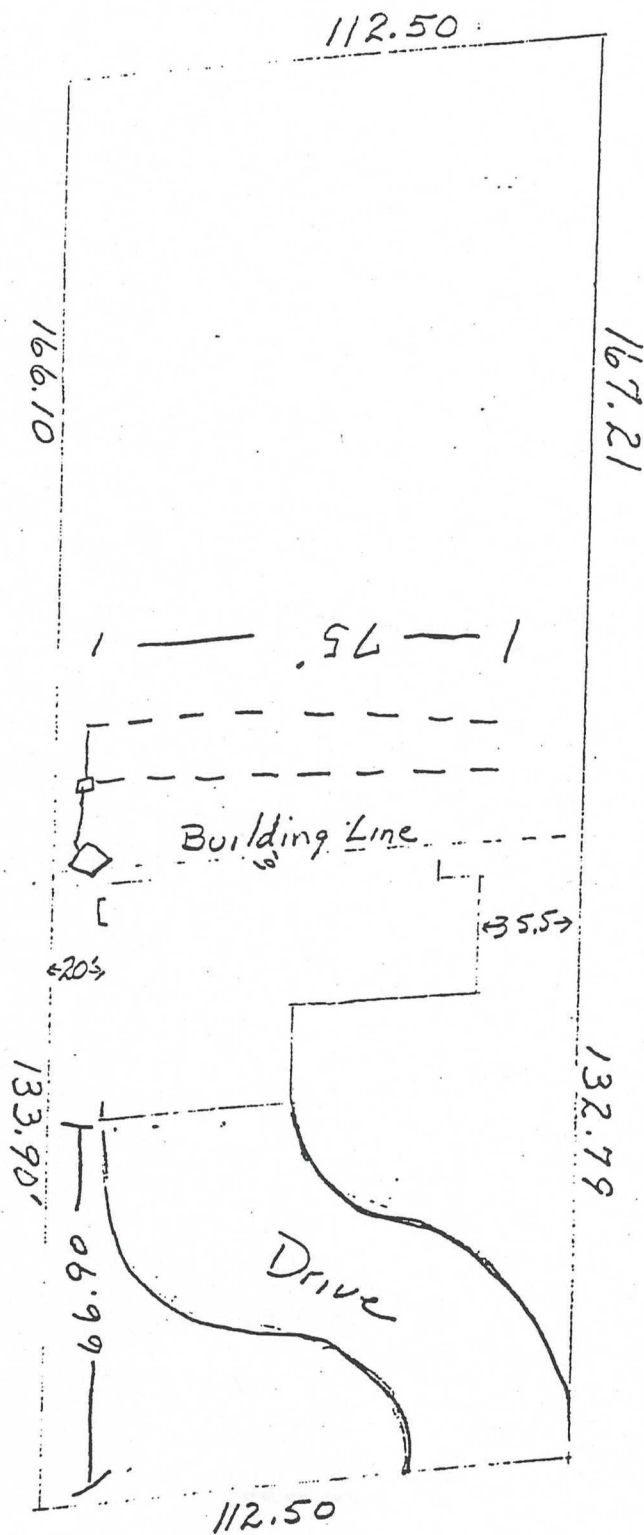
I hereby acknowledge that the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential use or enjoyment of the above described property.

Applicant's Signature: _____ Date: _____

CONDITIONS OF APPROVAL (those checked, written and/or attached).

X Done revegetation requirements (attached)
 Post construction survey for structural erosion control (attach)
 Post construction survey for structural erosion control (attach)
 County Department of Planning and Development office within 10 days of completion.
 U.S. Army Corps of Engineers permit.
 Oregon Division of State Lands permit.
 Oregon Dept. of Environmental Quality subsurface sewage disposal permit.
 Oregon Highway Division access permit.
 Submit to County Dept. of Planning and Development
 Clatsop County road access permit.
 Other _____

EXHIBIT
 PAGE 6009



37
44

5.8
10.2

54

133.90
67
66.90

112.50
57

55.50

20 35.50
7

41

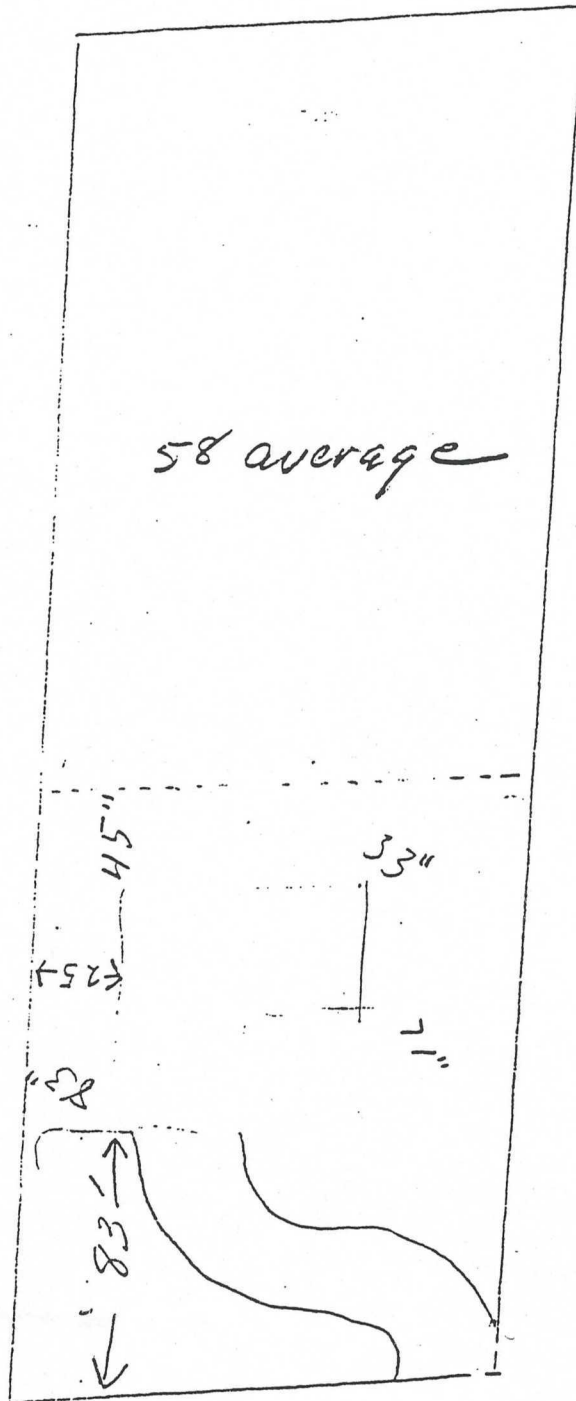
12.6

53.6

56.6

88

139.6



inches = feet

45" = 3.75'

83" = 6.92'

33" = 2.75'

71" = 5.91'

$232" \approx 19.33'$

$232" \div 12 = 19.33'$

total inches $\div$ corners Ave. Elev.
in inches
 $232" \div 4 = 58"$

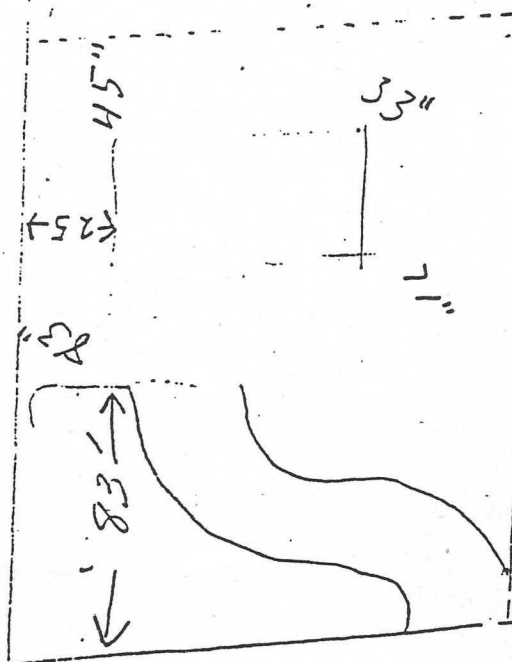
inches $\div$ 12 =
 $58" \div 12 = 4.83'$ Ave. Elev.
in feet

feet $\div$ 4 corners
 $19.33' \div 4 = 4.83'$ "

Ave. Elev + 18'

$4.83' + 18' = 22.83'$ MAX
height above Elev.

58 average



41
126
536

56.6

83

13 9.6

EXHIBIT

K

PAGE

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LeRoy E. Groshong, M.D., F.A.C.S.

September 22, 1997

Darlene Wisdom
Code Compliance Specialist
Clatsop County
800 Exchange St., Suite 100
Astoria, OR 97103

Dear Ms. Wisdom,

We have enclosed materials that will establish that our house located at 2002 Ocean Drive, Surf Pines does not exceed the 18 foot height limitation for our area.

The enclosures are as follows:

1. Letter, with enclosures from the architect, Saul Zaik, who designed our house.

A. Copy of the survey conducted by Thomas Wagner
March 22nd, 1991.

B. Zaik/Miller house siting with their grades at each of
the 14 corners and computation of the average grade.

C. Zaik/Miller internal memo from Jocelyn Helgersen
verifying the lower floor level.

2. Field notes of Thomas Wagner from his March 22nd, 1991 survey.

The Coast areial survey is not accurate in showing 20 corners as there are only 14 corners. The areial survey shows corners that only exist on the second floor. These corners are part of two second floor over hanging areas (like a bay window) that do not reach the ground level.

Our architect and builder were in constant communication with Curt Schneider, Clatsop County Planning Director at the time we were building. He approved the method used to determine the building height

Please contact us at (360)896-0939 with questions or if you require additional information.

Sincerely,



LeRoy E. Groshong, MD & Bonny J. Groshong

EXHIBIT

I

PAGE

1 of 19

ZAIK/MILLER ASSOCIATES

ARCHITECTS PLANNERS

September 17, 1997

Leroy E. Groshong
13909 S.E. 28th Street
Vancouver, WA 98684-7665

RE: Clatsop County Letter of
August 13, 1997 and Coast
Surveying Letter of July 19, 1997;
Questioning compliance with Surf Pines
18' Height Limitation

1. THE HOUSE SITING AND LOCATION WAS DESIGNED AND DRAWN TO COMPLY WITH THE 18' height limitation
 - 1.1 An accurate topo survey was done by Tom Wagner on March 22, 1991. This survey located key corner elevations and contours of the existing grades at that date.
(see enclosure A)
 - 1.2 The house was placed and staked on this site within all setback - constraints - the high point, elevation of the roof was determined by noting the undisturbed existing grades at each of the 14 corners, then an average grade was computed. The high point of the house was locked on to this elevation (see enclosure B).
 - 1.3 On 9/19/91, a representative of our office visited the site to verify the lower floor level which controlled the ultimate roof height, (see enclosure C).
 - 1.4 Later when the roof framing construction was complete, Tom Wagner, surveyor, visited the site and confirmed the 18' height with his instrument. This also was confirmed by the Builder, Erickson & Son.
2. Our office observed that extreme care and diligence was manifested by the builder and surveyor and that the house was totally within the height limitation at the required date of 1991.

EXHIBIT

PAGE

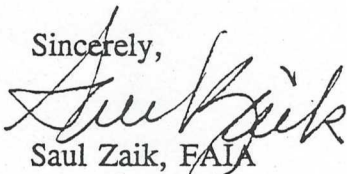
I
2 of 19

Page -2-
September 17, 1997
Leroy Groshong

RE: 18' Height Limitation

3. I question the data presented by Coast Surveying.
 - 3.1 The Coast aerial survey is not accurate because it shows 20 house corners (there are 14). Their data does not determine what the undisturbed elevations were in 1991.
4. Our enclosed documents site the conditions on lot 1 and South 1/2 of lot 2, Surf Pines on the dates of construction of the Groshong Residence.
5. All of these documents were approved and accepted by Clatsop County at those dates, and are instruments of record.

Sincerely,



Saul Zaik, FAIA

enclosures

ZAIR/MILLER ASSOCIATES

Architects/Planners
2340 N.W. Thurman Street, Suite 201
Portland, Oregon 97210

503-222-9158 FAX 503-222-1460

Dr. + Mrs. Leroy Groshong

9-14-41	
PROJECT Groshong Residence	
LOCATION Surf Pines, OR	
CONTRACTOR Erickson	OWNER Groshong
WEATHER Fog	TEMP. 65 ° at 10 AM ° at PM
PRESENT AT SITE Jacelyn Helgeson, Z/M Cliff + Kim Erickson	

THE FOLLOWING WAS NOTED:

Cliff requested visit from our office to review and approve his stake out and the proposed floor level of the house.

Area was excavated flat to a level below the footings. Surveyor had shot the 34.5' lower floor elevation on a tree for reference. North and east wall of house were staked out. String set at 34.5'.

Siting of the house looks perfect. Natural grades west of the house gently slope away from the house. No regrading will be necessary here. Grades are higher at south end. Garage and deck will be tucked nicely into the ground.

Neighbor to the north building a fence for privacy.

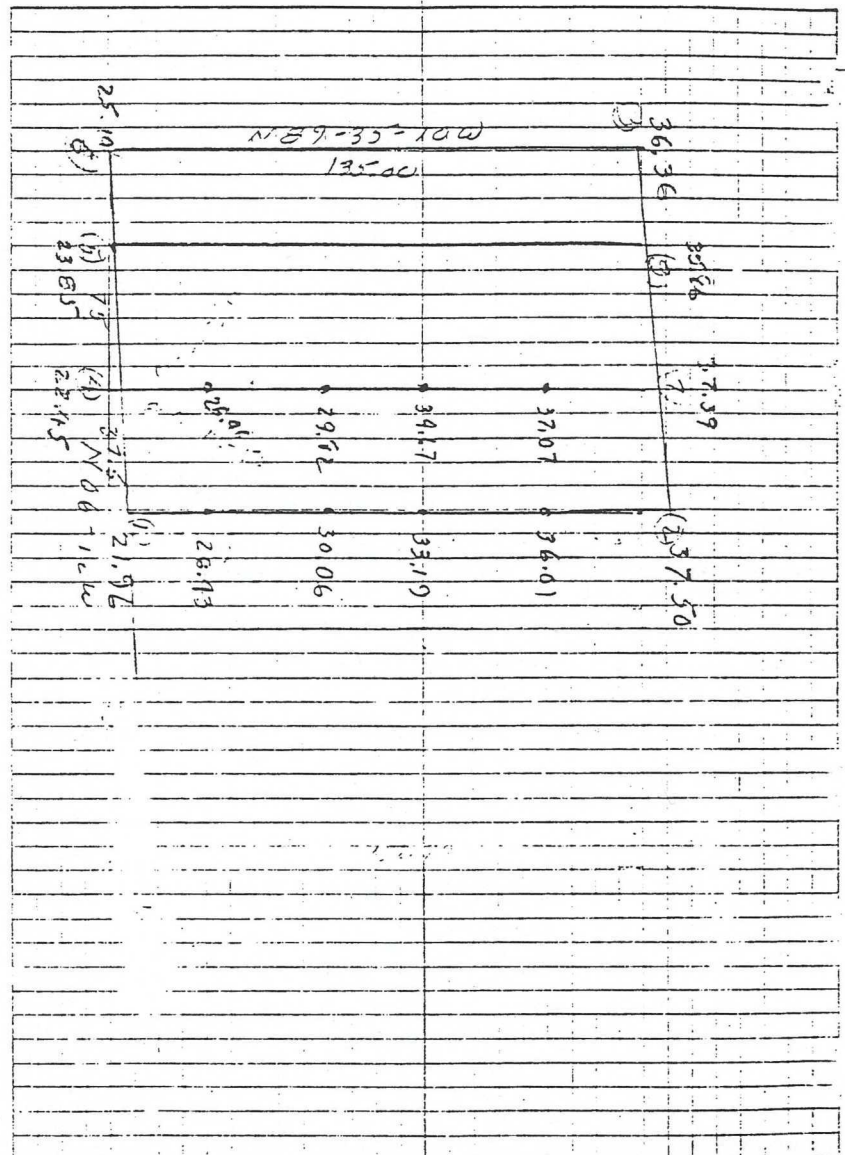
COPIES TO Cliff Erickson

EXHIBIT I
PAGE 4 of 19

FIELD REPORT

Amelia B. Helgeson

Enclosure 2.



#669 Dr. Leroy Frashorn Lot 12 S 1/2
B-8943 Surf Pines Bench

Sta	Elev	BS	HI	FS	Elev
2-23-91					
5514	73.32	0.55	73.87	8.10	65.77
		1.64	67.41	5.96	61.45
		4.43	65.93	3.61	62.32
		6.17	68.49	1.24	67.25
		5.15	72.40	7.82	64.58
		4.74	69.32	1.99	67.33
		6.93	74.21	8.98	65.22
		0.05	65.22	3.81	56.47
3-7-91		0.46	56.93	8.27	43.66
		0.22	43.83	3.50	40.33
		0.13	40.51	8.55	31.96
		0.17	32.13	7.42	24.71
		2.82	27.53	4.45	22.03
		2.13	25.41	2.25	21.96
3-14-91		8.70	30.66	0.86	29.70
		3.37	28.07	1.95	36.12
		5.78	41.90	4.40	37.50
		3.43	40.93	4.57	36.56
	21.96	5.15	27.11	1.77	25.14
3-12-91	21.96	5.26	27.32	4.67	22.45
				3.47	23.81
4-5	43.9'				
2-7	43'				
2-8	90'				

669

	FL	HL	VL	D	7 sinv.
5-15-91	22.45				41.493
4-1-91	26.46	70-73-30	79-54-30	22.90	22.50 4.01
	27.82		79-23-36	26.95	39.67 7.37
	34.67		80-05-10	29.96	69.90 12.22
4-1-91	37.07		81-21-14	37.29	96.18 14.62
4-1-91	21.96				
4-1-91	26.42		79-46-34	25.16	24.76 9.97
	36.86		80-05-18	47.79	47.08 8.10
	33.19		80-45-57	70.33	63.07 14.23
5-1-91	36.01		81-33-12	96.58	95.53 14.05
5-1-91		74-22-20	83-13-13	51.67	51.34 6.02
			92-27-27	75.20	74.55 9.87
			32-51-55	99.37	98.40 12.51
					+1.60
8-1-91			84-12-13	103.40	102.75 13.26
1-6-			27.6-55-00	57-51-15	105.42 734.30 19.46
			82-25-17	102.11	101.44 11.70
			87-22-54	73.15	72.79 8.23
			84-12-57	52.40	52.13 5.28

EXHIBIT

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PAGE

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610

	ELV	BS	HI	FS	ELV
2-7	37.50	4.73	42.23	4.84	37.39
2-8				6.37	35.86
1-W	21.96	2.57	26.53		
3-13-91					HI-4.45
5-W					
6-W					HI-4.65

Dr. & Mrs. LeRoy Groshong
2002 Ocean Drive
Surf Pines

1. Was the house built before you purchased the property? Yes ☐ No ☒
2. Year home built: 1992
3. Name and address of builder: Cliff Erickson + Son
21265 N.W. Rock Creek Blvd., Beaverton, Or. 9
(503) 629-0216
4. Do you have
 - A. Blue prints for your house? Yes ☒ No ☐
 - B. Pre-Construction Photographs of the property? Yes ☒ No ☐
 - C. A survey or other measurement of the height of your house? Yes ☒ No ☐
5. Are you willing to share copies of these documents with Clatsop County? Yes ☒ No ☐
6. Do you agree with the survey performed by Mr. and Mrs. Lucas that claims your house violates the maximum building height by 4.6 feet? Yes ☐ No ☒
7. Please Explain: House does not exceed the
18' high Limitation.
8. Person to speak with about this survey Cliff Erickson
9. Phone number of contact person (503) 629-0216

CLATSOP COUNTY PLANNING & DEVELOPMENT DEPT.
800 EXCHANGE STREET, SUITE 100
ASTORIA, OREGON, 97103



September 4, 1997

ATTN: DARLENE L. WISDOM
Code Compliance Specialist

Dear Ms. Wisdom,

We have just recently picked up mail from our post office box in Gearhart and found your letter, this date. Since we have moved into our house, we receive our mail at our home address and rarely have mail at the Gearhart box therefore, the delay in receiving your notice should be recognized.

I see your complainant is represented by Mr. Lou Larson therefore I can assume the complaint to be from Mr. Lucas who recently was legally told to conform his building to restrictions adhered to by most all residences. The reference to our building height, nine years after it has been built is ridiculous on the face of it since the rule was to take the four corners of undisturbed land which I am sure the county is aware since they made the rule. Our contractor Mr. Robert Harn did the necessary points and due to complaints from our westerly neighbor Peter Whitlesley Mr. Harn had Curt Schneider (Planning director for the county) look through the surveying equipment and we were in fact told that our property mean, at that time, was $17\frac{1}{2}$ feet, $\frac{1}{2}$ foot lower than the 18 allowed.

Our house grade was determined to be accurate prior to building and all rules and regulations were adhered to by our contractor even to the extent of getting an official okay from the planning Director. Aerial photographs cannot replace the testimony taken under oath, by our contractor Mr. Robert Harn and that should be

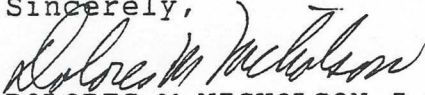
EXHIBIT G
PAGE 1 of 2

page 2

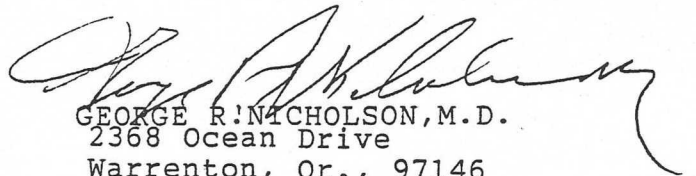
given more credence than a grade determination taken from an aerial photograph nine years after the fact. As mentioned in Mr. Foeste's letter to you, Mr. Lucas' house in surf pines was determined by aerial photographs for grade elevations. Our house' was determined from ground level and in accordance with the rules established by your department. Since Mr. Lucas' builder did not conform to the rules and his house did not conform to the proper grade leveling, I would hope that this county would not recognize harassment tactics by disgruntled individuals to be a legitimate excuse to require law abiding citizens of this community to expend funds, time and trouble to abate Mr. Larson and Mr. Lucas' emotions for revenge.

I hope this will suffice to negate the complaint filed, I do have photographs taken when the survey was done but due to my husband's severe illness we are leaving town to see a doctor on the 8th and will not be returning until the 1st of October. If the pictures are necessary, I will search for them when I return until then I will not be available for anything else during the above times. There is also a tape recording of myself telling the planning commission that the height limitation is so "zealously guarded that curt schneider had to come out to our site and he was questioned by a commissioner if that was true and he said "yes" This was done during hearings for Pinehurst estates.

Sincerely,



DOLORES M. NICHOLSON, J.D.



GEORGE R. NICHOLSON, M.D.
2368 Ocean Drive
Warrenton, Or., 97146

503 738 6004

cc: Helen Westbrook, Chair B.C.C.
Blain Henningsgaard, County Counsel
Britt Ferguson, County Mgr.
Robert Harn, Contractor

EXHIBIT

PAGE

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2 of 2

COPY

Clatsop County



November 17, 1997

George R Nicholson
Dolores V Mason Smith
P.O. Box 2331
Gearhart, OR 97138

RE: Staff Findings Concerning Complaint on Possible Building Height
Violation 7 10 21BA - 1400/1401

800 Exchange Street,
Suite 100
Astoria, Oregon 97103

Dear George and Dolores:

Staff has researched information available in the Planning Department and the information that you provided in response to our request. It is staff's recommendation that no compliance action be taken for the reasons stated in the attached findings.

Thank you for your cooperation in this matter. If you require further assistance please do not hesitate to contact me at (503)325-8611. My office hours are Monday and Tuesday 8:30 a.m. - 5:00 p.m., and Wednesday, 8:30 a.m. - 12:00 p.m.

Department of
Planning and Development

Phone (503) 325-8611
Fax (503) 338-3666

Sincerely,

Darlene L. Wisdom

Darlene L. Wisdom
Code Compliance Specialist

cc: Lou Larson
County Counsel
County Manager
file

EXHIBIT 5
PAGE 1 of 7

FINDINGS:

George and Delores Nicholson, 2368 Ocean Drive - 7 10 21BA - 1400/1401:

The Nicholson's responded to the County's request for information concerning building height with a letter dated September 4, 1997. No additional information was provided as they stated that the building height had been checked during construction by the builder and also by having the Planning Director visit the site during construction to verify the height. Records kept by the Planning Department include a copy of the site plan showing elevation heights in inches on five corners. These figures were used to determine the average elevation at the site which computed to 63.70 inches. Staff has converted these figures into feet to compare with the figures that were provided by Carl Foeste on the aerial survey.

The following is a comparison of those figures:

Aerial Survey

Ave. Grade Above Datum: 25.4'
max. height: $25.4' + 18' = 43.4'$
Build. height above ave.gr. = 22.7'

Nicholson's Site Plan

Average Elevation: 5.31'
max. height above elev.: $5.31' + 18' = 23.31'$

It is impossible to compare the figures of the two methods as each used a different starting point. The aerial survey used a predetermined point in Surf Pines and the builder used a point that was site specific. It has also been determined that there could be a margin of error of at least one foot in each of the survey methods. It is staff's understanding that Planning Department staff were on site during construction and accepted the figures provided by the builder for elevations and building height. Because of space constraints, the Planning Department only keeps records for a few years beyond the completion of a project. It appears that it will be impossible to reconstruct the exact undisturbed ground elevation information with the information available.

CONCLUSION:

Staff concludes that there does not appear to be a building height violation for the house constructed by the Nicholson's, 2368 Ocean Drive (tax map# 7 10 21BA - 1400/1401). Because the documentation and information provided to staff do not indicate a land use violation of Clatsop County's Land and Water Development and Use Ordinance, 80-14, staff recommends that no compliance action be taken.

COAST SURVEYING

KARL F. FOESTE

P.O. BOX 807
361 S.W. MAIN CT.
WARRENTON, OR 97146
(503) 861-2569



July 29, 1997

Darlene L. Wisdom
Code Compliance Specialist
Clatsop County
800 Exchange, Suite 100
Astoria, Oregon 97103

Dear Darlene:

You have requested from Mr. Lou Larson written information concerning reported height violations of the Groshong, Keever, and Nicholson houses in Surf Pines. Enclosed, for your examination, is a copy of my report on each of the subject houses (buildings) showing the building height above datum, the average grade above datum, building height above average grade, and the amount each building exceeds the allowable 18 foot height limit established by Clatsop County Ordinance No. 80-14, enacted February 10, 1982. As shown on the enclosed reports, the Groshong house exceeds the allowable height by 1.4 feet, the Keever house by 3.6 feet, and the Nicholson house by 4.7 feet.

Building outlines and heights above datum were determined from aerial photography dated June 14, 1996. Building heights above datum were field checked by means of trigonometric leveling. Grade elevations at building corners were determined from aerial photography dated September 27, 1973, being the same photography used by CH2M Hill to prepare the 1973 topographic maps of Clatsop Plains and the same photography used to determine the average grade of the James Lucas house in Surf Pines. Building heights above datum and grades at building corners were determined by David C. Smith and Associates, Inc., Portland, Oregon.

If you have any questions regarding this information please contact me at 861-2569.

Sincerely,

Karl F. Foeste, LS 849

EXHIBIT

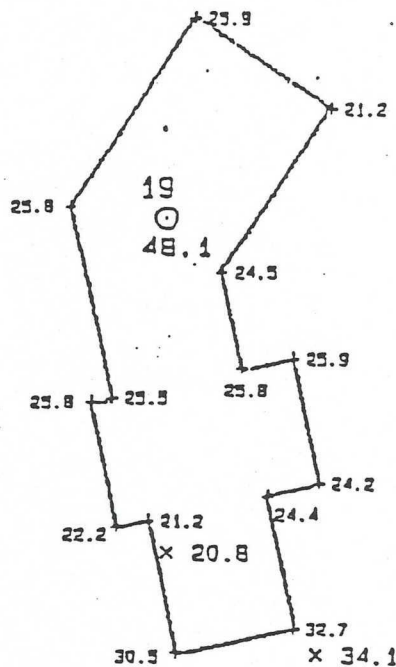
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B. LOING NUMBER: 18

FOESTE'S # 19



BUILDING ID: George Nicholson + Dolores Mason 2368 Ocean Dr

Tax Lot 7 10 21BA 1400

BUILDING HEIGHT ABOVE DATUM: 48.1'

AVERAGE GRADE ABOVE DATUM: 25.4'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 22.7'

NOTES: House exceeds allowable height of 18' by 4.7'

EXHIBIT

PAGE

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EXHIBIT

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VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID

FOR GSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973

FOR CLATSOP COUNTY.

APPLICANT (Please print or type)

Owner: George Nicholson Agent: Bob Hagan

Address: _____ Phone: 738-0847

PROPOSED USE(S) OR ACTIVITY(IES):

Describe: SEF + Carpet off 30' x 90'

Zoning District Requirements

LEGAL DESCRIPTION

T 7 N R 10 Section 21B4 Tax lot 1400, 1401

Zoning: QBR Overlay Zone(s) BDD, SO

Parcel Size: _____

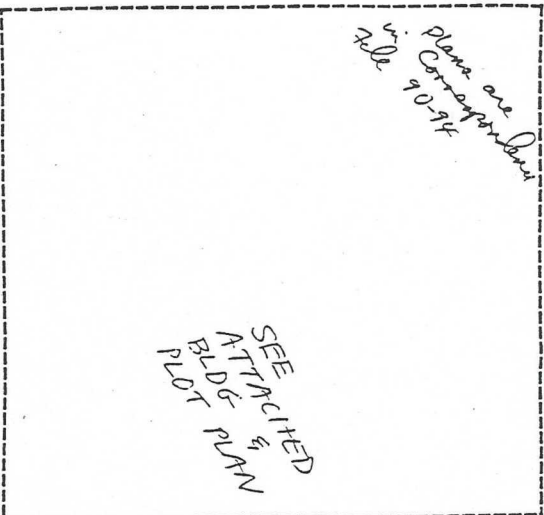
Parking Requirements: _____

Attach plot plan (drawn to scale) indicating appropriate parking

etc. spaces (other than single family residence)

Not applicable

Plot Plan (Please sketch below or attach drawing. Show location of structures, property boundaries, water courses, wetlands, easements, etc.)



APPLICANT'S STATEMENT:

Pertaining to the subject property described, I hereby consent that I am the legal owner of record, or an agent having control of the property, and am authorized to make the application for a Development Permit/Action on the necessary building permits, sanitation permits, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon State Parks and Recreation and Clatsop County road access permits. I shall obtain and all of the necessary permits and complete the conditions of approval as required below before I do any of the proposed use(s) or activity(ies). The statements within this application are true and correct to the best of my knowledge and belief. If it is determined that any permit authorized by the Planning Department may be revoked if misrepresentations.

As a condition for issuing this Development Permit/Action the undersigned hereby agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liability to the undersigned, his/her property, or any other person or property which might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever which might result from the undersigned's failure to build, improve or maintain roads which serve as access to the subject property.

Applicant's Signature: Bob Hagan Date: 3-27-90

MAJORITY OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION

I have been advised that the Land and Water Development Permit/Action authorized by the Clatsop County Planning Department on 27 March 1990 may be appealed through to April 1990.

I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.

Applicant's Signature: Bob Hagan Date: 3-27-90

RESOURCE CERTIFICATION:

I hereby certify that the proposed single family residence is necessary and accessory to a _____ farm use _____ forest use.

Applicant's Signature: _____ Date: _____

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST PRACTICE AND PRODUCTION:

I hereby acknowledge that the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential use or enjoyment of the above described property.

Applicant's Signature: _____ Date: _____

CONDITIONS OF APPROVAL (those checked, written and/or attached).

- ☒ Done revegetation requirements (attached).
- ☒ Post address according to attached standards. Address _____
- ☒ Sign permit (shown) _____
- ☒ Cost Department of Planning and Development office within 10 days of completion.
- ☒ U.S. Army Corps of Engineers permit.
- ☒ Oregon Division of State Lands permit.
- ☒ Oregon Dept. of Environmental Quality subsurface sewage disposal permit.
- ☒ Oregon Highway Division access permit.
- ☒ Clatsop County road access permit.
- ☒ Other Submit to County Dept. of Planning & Development and Department of Planning and Development for public review

determine average grade. NOT TO BE REMOVED

CLATSOP COUNTY COMPLIANCE

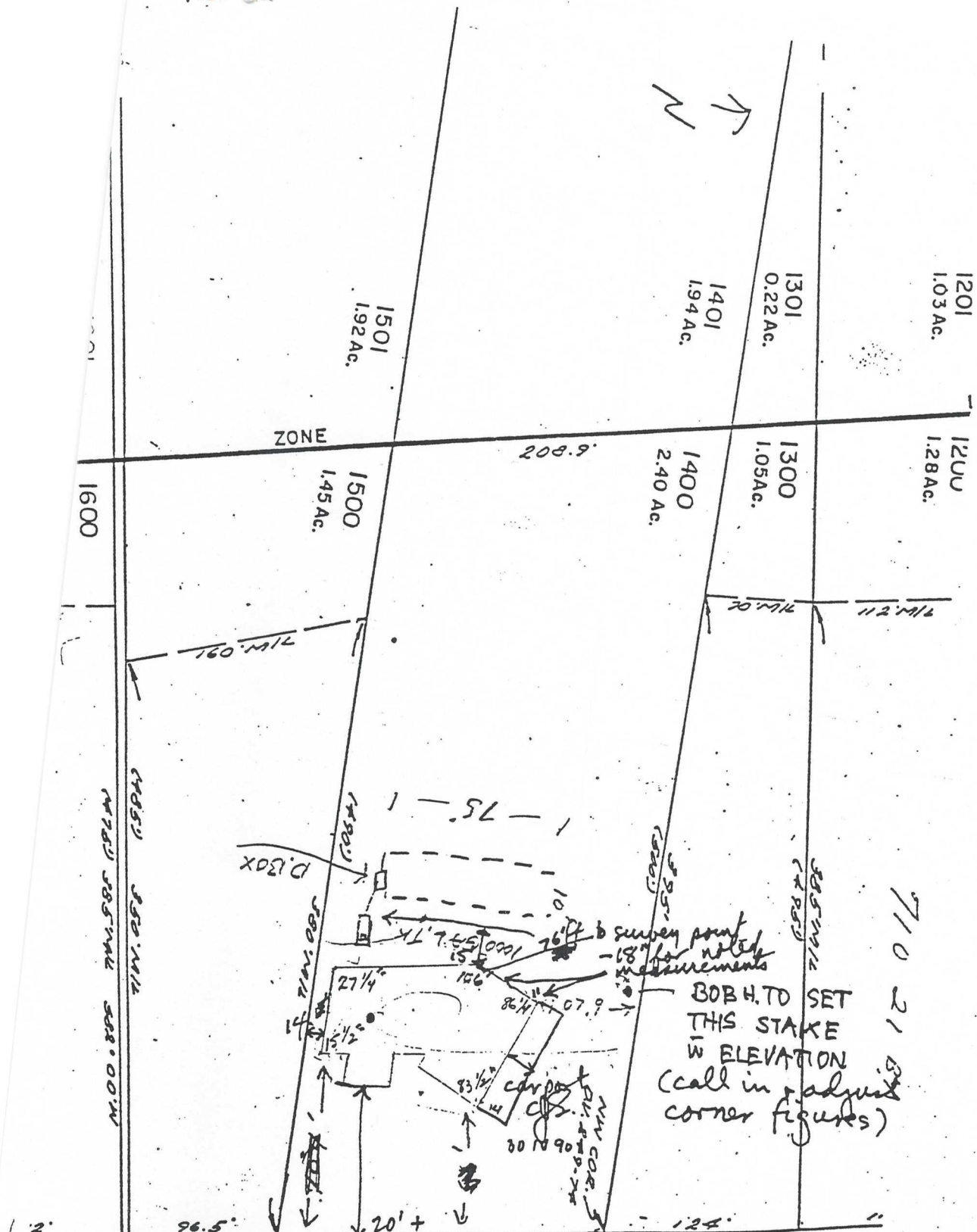
The Clatsop County Planning Department finds the proposed use(s)/action(s) complies with the County Land and Water Development and Use Ordinance and the Clatsop County Comprehensive Plan. The evaluation of the land parcels outlined above is based on the information presented at this time and as shown on the Zoning/Comprehensive Map.

Approved _____ Denied _____

Applicant or property owner must do these items noted below or attached. This permit is not complete or final until the conditions are met.

Clatsop County Authorization: _____ Date: _____

3. *had*



S8°28'E 687.16' EAST 226'
 S7°5' 608.5' S80°W 430'
 S45°W 762' S82°W 40'
 N8°W 1261' FROM NW COR.
 JOHN JENITT D.L.

Average = 63.70
 ELEVATION.

inches = feet

$$27\frac{1}{4}" = 2.27'$$
$$15\frac{1}{2}'' = 1.29'$$
$$106'' = 8.83'$$
$$86\frac{1}{4}'' = 7.19'$$
$$83 \frac{1}{2}'' = 1.91'$$
$$\begin{array}{r} 318.5' \\ \hline 26.54' \end{array}$$

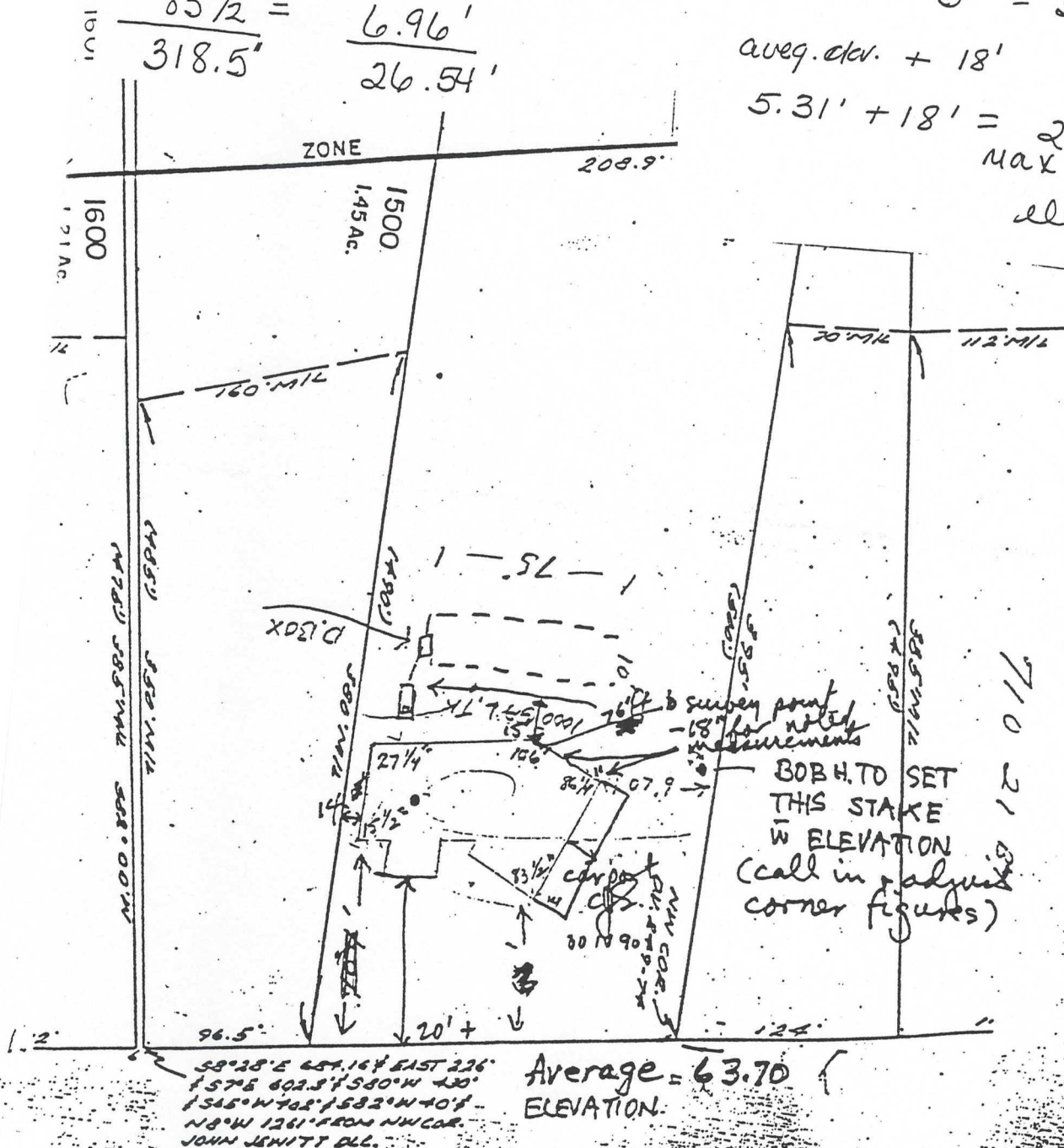
tot. inches $\div$ # corners Average Ekv
 318.5 $\div$ 5 = in
 inches
 63.70

$$\begin{aligned} \text{inches } 63.70'' \div 12 &= 5.31' \text{ Avg. Elev.} \\ \text{feet } 26.54' \div 5 &= 5.31' \text{ in ft} \end{aligned}$$

avg. elev. + 18'

$$5.31' + 18' = 23.31'$$

max ~~height~~ height above elev.



3. 10. 19

7/10/21

BOB H. TO SET
THIS STAKE
W/ ELEVATION
(call in & adjust
corner figures)

Average = 63.70
ELEVATION:

EXHIBIT 5 3.48 1901
PAGE 7 of 7

Nicholson Site Plan

Clatsop County



August 13, 1997

George R Nicholson
Dolores V Mason Smith
P.O. Box 2331
Gearhart, OR 97138

800 Exchange Street,
Suite 100
Astoria, Oregon 97103

RE: Complaint Concerning Possible Building Height Violation

Dear George and Dolores:

The Clatsop County Planning and Development Department has received a complaint concerning the possible building height violation of your dwelling. The complainant has submitted copies of aerial height surveys which show that your dwelling possibly exceeds the height limitation. A copy of that survey is enclosed for your review. Clatsop County has not made a determination whether or not to seek enforcement action on the basis of the provided surveys.

Department of
Planning and Development

It is recommended that you employ your own surveyor and provide the results of that survey to this department. Staff is requesting that this information be provided to this department by September 25, 1997. After that date, this department will make a determination whether or not to pursue the possible violation.

Phone (503) 325-8611
Fax (503) 338-3666

Thank you for your cooperation in this matter. If you require further assistance please do not hesitate to contact me at (503)325-8611. My office hours are Monday and Tuesday 8:30 a.m.- 5:00 p.m., and Wednesday, 8:30 a.m. - 12:00 p.m.

Sincerely,

Darlen
Darlen
Code C

cc:

SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or it does not permit. Write "Return Receipt Requested" on the mailpiece. The Return Receipt will show to whom the article was delivered.		I also wish to receive the following services (for an extra fee): ☐ Addressee's Address Service	
PS Form 3800, June 1991			
3. Article Addressed to: George Nicholson Dolores Mason Smith P.O. Box 2331 Gearhart, OR 97138		Return Receipt Showing to Whom & Date Delivered Date, and Addressee's Address TOTAL Postage & Fees Postmark or Date AUG 13 1997	
5. Signature (Addressee) Dolores M. Nicholson		Certified Fee Special Delivery Fee Restricted Delivery Fee Return Receipt Showing to Whom & Date Delivered Date, and Addressee's Address TOTAL Postage & Fees Postmark or Date AUG 13 1997	
6. Signature (Agent)		Certified Fee Special Delivery Fee Restricted Delivery Fee Return Receipt Showing to Whom & Date Delivered Date, and Addressee's Address TOTAL Postage & Fees Postmark or Date AUG 13 1997	

#1 P. 21.9 209 952
Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for International Mail (See Reverse)

EXHIBIT D
PAGE 1 of 1

COPY

Clatsop County



August 13, 1997

Gene H and Norma B Keever
2006 Ocean Dr
Warrenton, OR 97146

800 Exchange Street,
Suite 100
Astoria, Oregon 97103

RE: Complaint Concerning Possible Building Height Violation

Dear Gene and Norma:

The Clatsop County Planning and Development Department has received a complaint concerning the possible building height violation of your dwelling. The complainant has submitted copies of aerial height surveys which show that your dwelling possibly exceeds the height limitation. A copy of that survey is enclosed for your review. Clatsop County has not made a determination whether or not to seek enforcement action on the basis of the provided surveys.

Department of
Planning and Development

It is recommended that you employ your own surveyor and provide the results of that survey to this department. Staff is requesting that this information be provided to this department by September 25, 1997. After that date, this department will make a determination whether or not to pursue the possible violation.

Phone (503) 325-8611
Fax (503) 338-3666

Thank you for your cooperation in this matter. If you require further assistance please do not hesitate to contact me at (503)325-8611. My office hours are Monday and Tuesday 8:30 a.m. - 5:00 p.m., and Wednesday, 8:30 a.m. - 12:00 p.m.

Sincerely,

Darlene L. Wisdom

Darlene L. Wisdom
Code Compliance Specialist

cc: County Counsel
file

EXHIBIT E
PAGE 1 of 1

COPY

Clatsop County



August 13, 1997

Leroy E Groshong
13909 SE 28th St
Vancouver, WA 98684-7665

800 Exchange Street,
Suite 100
Astoria, Oregon 97103

RE: Complaint Concerning Possible Building Height Violation

Dear Leroy:

The Clatsop County Planning and Development Department has received a complaint concerning the possible building height violation of your dwelling. The complainant has submitted copies of aerial height surveys which show that your dwelling possibly exceeds the height limitation. A copy of that survey is enclosed for your review. Clatsop County has not made a determination whether or not to seek enforcement action on the basis of the provided surveys.

Department of
Planning and Development

It is recommended that you employ your own surveyor and provide the results of that survey to this department. Staff is requesting that this information be provided to this department by September 25, 1997. After that date, this department will make a determination whether or not to pursue the possible violation.

Phone (503) 325-8611
Fax (503) 338-3666

Thank you for your cooperation in this matter. If you require further assistance please do not hesitate to contact me at (503)325-8611. My office hours are Monday and Tuesday 8:30 a.m.- 5:00 p.m., and Wednesday, 8:30 a.m. - 12:00 p.m.

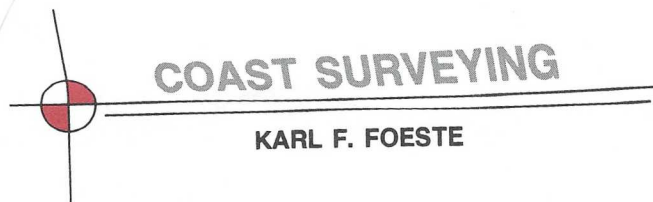
Sincerely,

A handwritten signature in cursive script that reads "Darlene L. Wisdom".

Darlene L. Wisdom
Code Compliance Specialist

cc: County Counsel
file

EXHIBIT F
PAGE 1 of 1



P.O. BOX 807
361 S.W. MAIN CT.
WARRENTON, OR 97146
(503) 861-2569

August 2, 1996

Mr. Louis Larson
Attorney at Law
990 Astor Street
Astoria, Oregon 97103

Dear Mr. Larson:

Attached herewith are reports on 21 buildings (houses) located in the Surf Pines area that were constructed after September 30, 1980 and exceed the height limitation as defined by County Ordinance No. 80-14. A total of 70 houses (including Bloxom's house) have been constructed in the Surf Pines area since the enactment of this ordinance.

Building outlines and heights above datum were determined from aerial photography dated June 14, 1996. Grade elevations at building corners were determined from aerial photography dated September 27, 1973, being the same photography used by CH2M Hill to prepare the 1973 topographic maps of Clatsop Plains and the same photography I used to determine the height of James Lucas' house. All height measurements were determined by David C. Smith and Associates, Inc., Portland, Oregon.

If you have any questions please contact me at 861-2569.

Sincerely,

Karl F. Foeste, LS 849

cc: Richard T. Schroeder

RTS Book

1-29-97

↓
Keever
Grashin
Nicholsen

RICHARD T. SCHROEDER

September 12, 1996

Mr. Lew Larson
990 Astor Street
Astoria, Oregon 97103

Mr. Karl Foeste
PO Box 807
Warrenton, Oregon 97146

Re: House Heights in Surf Pines

Gentlemen,

There has been some dispute as to when the CBR zone became effective; ie 1980 or 1982. After reveiwng Karls list, I would like you to know that I know for a fact that the following houses were built after 1982.

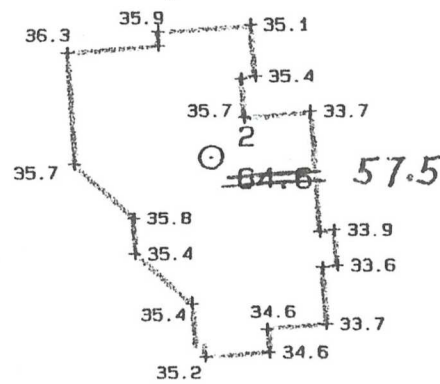
Building #2 Leory Groshong
Building #3 Gene & Norma Keever
Building #15 Scott & Helen Langley
Building #19 George & Dolores Nicholson
Building #28 John & Anne McGowan
Building #30 Edward & Ann Berkeley
Building #31 Betty Glarum
Building #35 Alexander & Mallory Eckert
Building #54 Robert & Margaret Chopping
Building #62 James Lucas

1-29-97

Please do not spend time researching these homes. Lets get this done ASP

Sincerely,

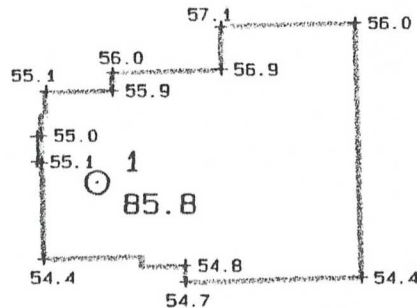
RTS
Richard T. Schroeder

BUILDING ID: Leroy Groshong 2002 Ocean Dr.Tax Lot 7 10 28 DB 800BUILDING HEIGHT ABOVE DATUM: ~~64.6~~ 57.5'AVERAGE GRADE ABOVE DATUM: 34.9'BUILDING HEIGHT ABOVE AVERAGE GRADE: 22.6'NOTES: House exceeds allowable height of 18' by 4.6'Foerk, ground survey 1-4

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
 FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
 CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 1



BUILDING ID: Craig Weston 300 Surf Pines Rd

Tax Lot 7 10 28 1300

BUILDING HEIGHT ABOVE DATUM: 85.8'

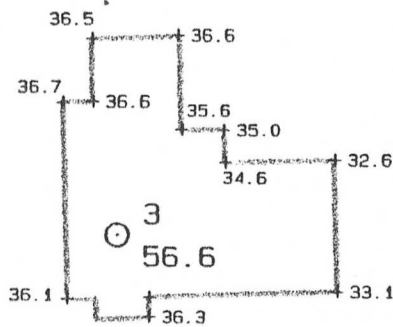
AVERAGE GRADE ABOVE DATUM: 55.4'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 30.4'

NOTES: House exceeds allowable height of 26' by 4.4'

VERTICAL DATUM:

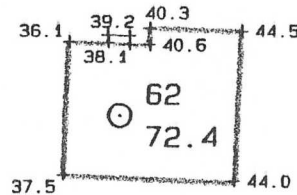
ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING ID: Gene + Norma Keever 2006 Ocean Dr.Tax Lot 7 10 28 DB 801BUILDING HEIGHT ABOVE DATUM: 56.6'AVERAGE GRADE ABOVE DATUM: 35.5'BUILDING HEIGHT ABOVE AVERAGE GRADE: 21.1'NOTES: House exceeds allowable height of 18' by 3.1'Foeste ground survey 3.6'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
 FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
 CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 62



BUILDING ID: James Lucas

63 Surf Pines Landing Dr.

Tax Lot 7 10 21 AC 1900

BUILDING HEIGHT ABOVE DATUM: 72.4'

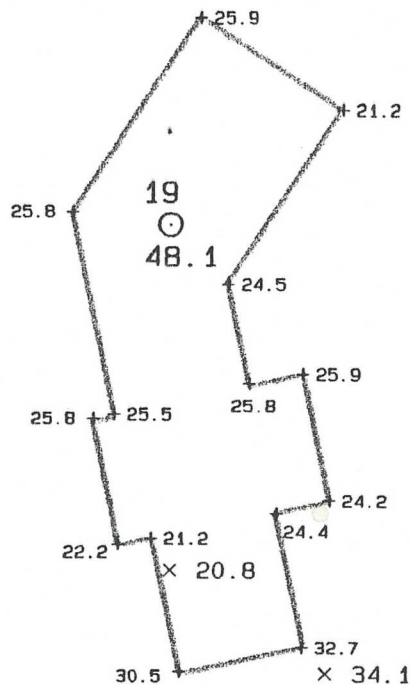
AVERAGE GRADE ABOVE DATUM: 39.8'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 32.6'

NOTES: House exceeds allowable height of 26' by 6.6'

VERTICAL DATUM:

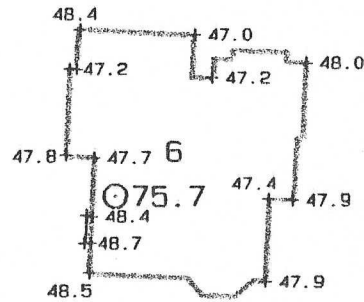
ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING ID: *George Nicholson + Dolores Mason* 2368 Ocean Dr*Tax Lot 7 10 21BA 1400*BUILDING HEIGHT ABOVE DATUM: *48.1'*AVERAGE GRADE ABOVE DATUM: *25.4'*BUILDING HEIGHT ABOVE AVERAGE GRADE: *22.7'*NOTES: *House exceeds allowable height of 18' by 4.7'**Foeste ground survey 4.7*

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
 FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
 CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 6



BUILDING ID: Frank + Sylvia James

2073 Manion Dr.

Tax Lot 7 10 28 907

BUILDING HEIGHT ABOVE DATUM: 75.7'

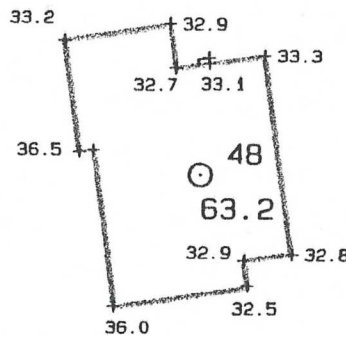
AVERAGE GRADE ABOVE DATUM: 47.9'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 27.8'

NOTES: House exceeds allowable height of 26' by 1.8'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.



BUILDING ID: David + Megan Ause

2343 Lucas Dr.

Tax Lot 7 10 21 BD 101

BUILDING HEIGHT ABOVE DATUM: 63.2'

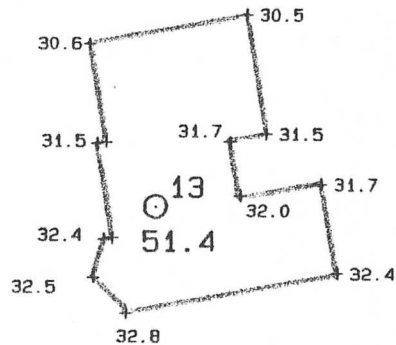
AVERAGE GRADE ABOVE DATUM: 33.9'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 29.3'

NOTES: House exceeds allowable height of 26' by 3.3'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.



BUILDING ID: Teresa J. Walker

2196 Ocean Dr.

Tax Lot 7 10 21CD 1502

BUILDING HEIGHT ABOVE DATUM: 51.4'

AVERAGE GRADE ABOVE DATUM: 31.8'

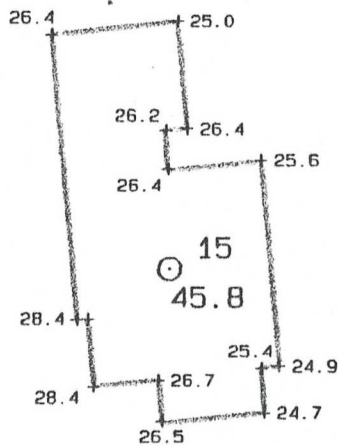
BUILDING HEIGHT ABOVE AVERAGE GRADE: 19.6'

NOTES: House exceeds allowable height of 18' by 1.6'.

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 15



BUILDING ID: Scott + Helen Langley 2296 Ocean Dr.

Tax Lot 710 21BD 2000

BUILDING HEIGHT ABOVE DATUM: 45.8'

AVERAGE GRADE ABOVE DATUM: 26.4'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 19.4'

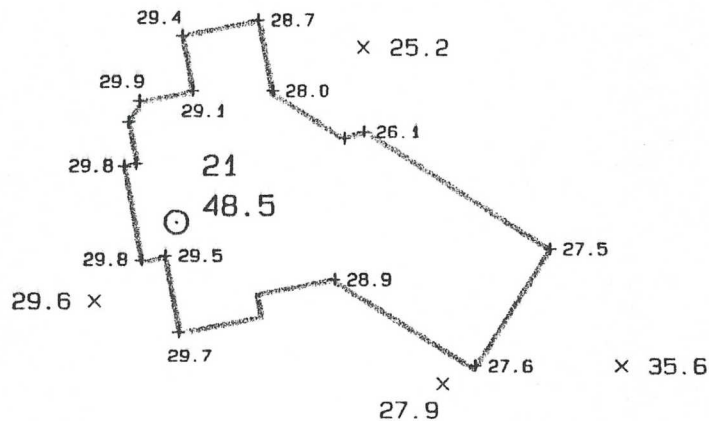
NOTES: House exceeds allowable height of 18' by 1.4'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 21

x 19.9



BUILDING ID: Calvin + Diane Wygant

2390 Ocean Dr

Tax Lot 7 10 21BA 900

BUILDING HEIGHT ABOVE DATUM: 48.5'

AVERAGE GRADE ABOVE DATUM: 28.7'

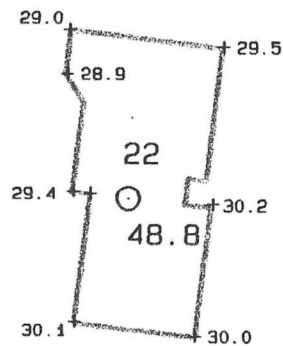
BUILDING HEIGHT ABOVE AVERAGE GRADE: 19.8'

NOTES: House exceeds allowable height of 18' by 1.8'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 22



BUILDING ID: Michael J. Miller

2392 Ocean Dr.

Tax Lot 7 10 218A 800

BUILDING HEIGHT ABOVE DATUM: 48.8'

AVERAGE GRADE ABOVE DATUM: 29.6'

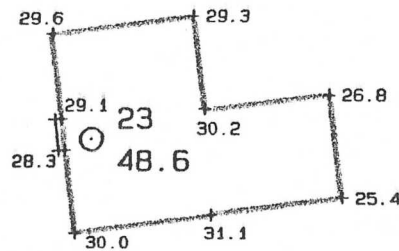
BUILDING HEIGHT ABOVE AVERAGE GRADE: 19.2'

NOTES: House exceed allowable height of 18' by 1.2'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973 CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 23



BUILDING ID: Phillip + Alerie Lyche

2292 Ocean Dr.

Tax Lot 7 10 21CA 2300

BUILDING HEIGHT ABOVE DATUM: 48.6'

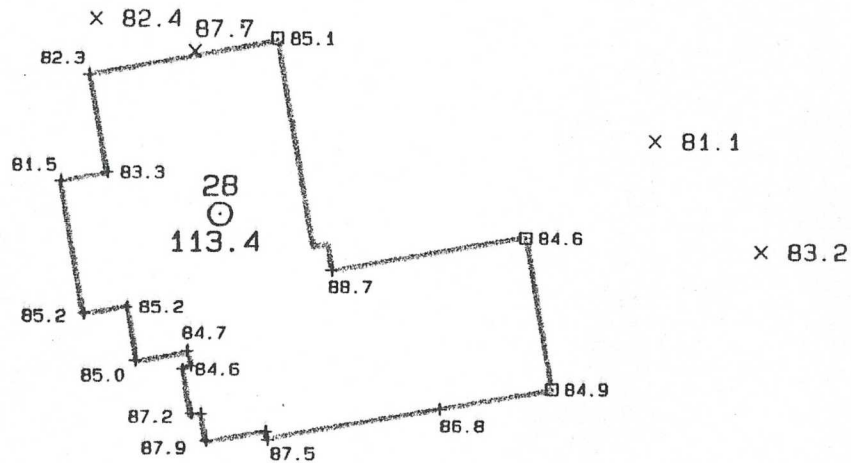
AVERAGE GRADE ABOVE DATUM: 28.6'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 20.0'

NOTES: House exceeds allowable height of 18' by 2.0'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.



BUILDING ID: John + Anne McGowan

2510 Malarkey Dr.

Tax Lot 7 10 16CA 1700

BUILDING HEIGHT ABOVE DATUM: 113.4'

AVERAGE GRADE ABOVE DATUM: 85.5'

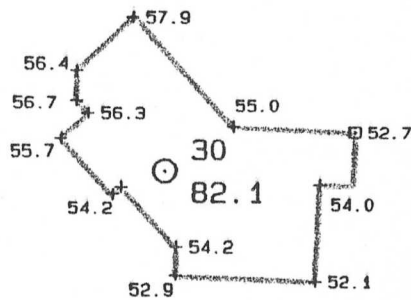
BUILDING HEIGHT ABOVE AVERAGE GRADE: 27.9'

NOTES: House exceeds allowable height of 26' by 1.9'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
 FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
 CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 30



BUILDING ID: Edward + Ann Berkeley 2602 Malarkey Dr.

Tax Lot 710 16CA 1100

BUILDING HEIGHT ABOVE DATUM: 82.1'

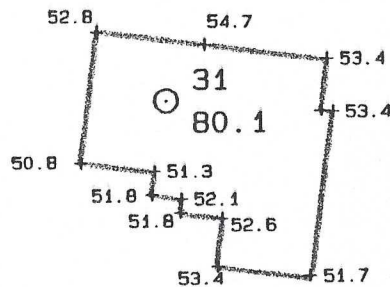
AVERAGE GRADE ABOVE DATUM: 54.8'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 27.3'

NOTES: House exceeds allowable height of 26' by 1.3'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "55-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.



BUILDING ID: Betty Glarum

2650 Malavkey Dr.

Tax Lot 7 10 16CA 100

BUILDING HEIGHT ABOVE DATUM: 80.1'

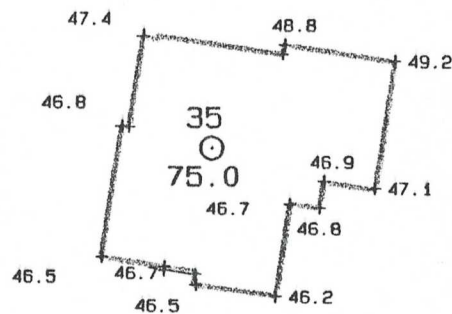
AVERAGE GRADE ABOVE DATUM: 52.4'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 27.7'

NOTES: House exceeds allowable height of 26' by 1.7'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.



BUILDING ID: Alexander + Mallory Eckert

2515 Malarkey Dr.

Tax Lot 7 10 16CA 2300

BUILDING HEIGHT ABOVE DATUM: 75.0'

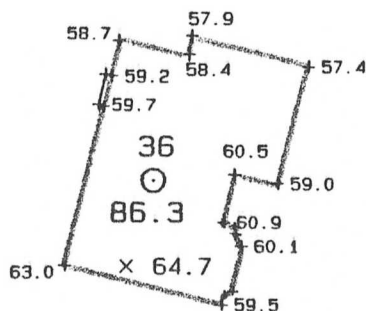
AVERAGE GRADE ABOVE DATUM: 47.2'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 27.8'

NOTES: House exceeds allowable height of 26' by 1.8'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.



BUILDING ID: Donald + Nancy Kreuger

2580 Manion Dr.

Tax Lot 7 10 16CA 500

BUILDING HEIGHT ABOVE DATUM: 86.3'

AVERAGE GRADE ABOVE DATUM:

59.6'

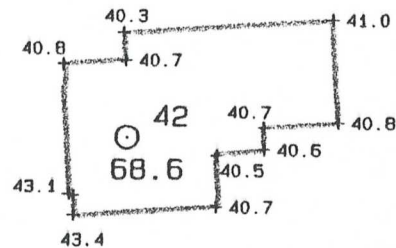
BUILDING HEIGHT ABOVE AVERAGE GRADE: 26.7'

NOTES: House exceeds allowable height of 26' by 0.7'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 42



BUILDING ID: Frank + May Martin

2417-A Manion Dr.

Tax Lot 7 10 16D 1000

BUILDING HEIGHT ABOVE DATUM: 68.6'

AVERAGE GRADE ABOVE DATUM: 41.3'

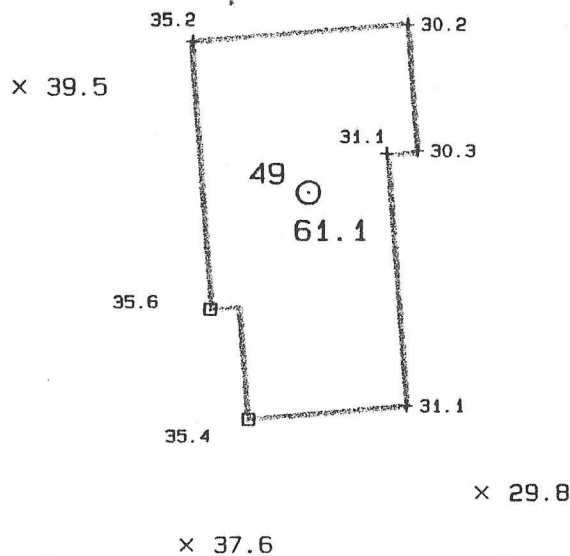
BUILDING HEIGHT ABOVE AVERAGE GRADE: 27.3'

NOTES: House exceeds allowable height of 26' by 1.3'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.

BUILDING NUMBER: 49



BUILDING ID: Michael Monty

2341 Lucas Dr.

Tax Lot 7 10 21 BD 100

BUILDING HEIGHT ABOVE DATUM: 61.1'

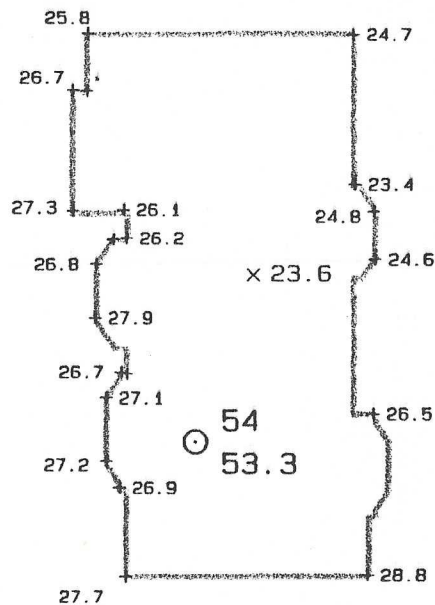
AVERAGE GRADE ABOVE DATUM: 32.7'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 28.4'

NOTES: House exceeds allowable height of 26' by 2.4'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.



BUILDING ID: Robert + Margaret Chopping

2265 Lakeside Ct.

Tax Lot 7 10 21DB 2100

BUILDING HEIGHT ABOVE DATUM: 53.3'

AVERAGE GRADE ABOVE DATUM: 26.4'

BUILDING HEIGHT ABOVE AVERAGE GRADE: 26.9'

NOTES: House exceeds allowable height of 26' by 0.9'

VERTICAL DATUM:

ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 60.52 FEET AT TOP OF LID
 FOR OSHD CONTROL POINT "SS-13 1968". SAID ELEVATION IS PUBLISHED ON SHEET 127 OF THE 1973
 CH2M HILL PHOTO FLIGHT FOR CLATSOP COUNTY.